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MORTON'S MANUAL.

THE PRINCIPLES

OF

CIVIL GOVERNMENT

IN

THE UNITED STATES

AND

STATE OF KENTUCKY.

BY

THOMAS B. FORD.

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PREFACE.

We present this revised edition of Morton's Manual to the public, highly gratified with its former unprecedented success, and confident of its future usefulness.

Every citizen should especially understand the government of his own State. This is perhaps more important than a knowledge of the National Government. We think that each State should teach its own peculiar laws to its people. This is deemed necessary in order to make them good citizens. They should understand particularly the duties of their County and State officials.

Morton's Manual has been prepared with this aim in view. It is essentially a Kentucky book, and is intended particularly for our own Commonwealth, but at the same time may be studied profitably by others.

Its simplicity renders it easy to be taught and understood. This is one reason why it has been so exceedingly popular.

The new Constitution, recently adopted, is one of the features of this revised edition, and the text of the work has been made to conform thereto. A short chapter on political parties has also been added.

Certain words and phrases in the text are emphasized by being put in **Antique** type. This is done for the purpose of assisting the teacher in framing questions upon the text. The device will also aid the pupil in forming his answers to the printed questions found at the end of the work. These questions ought to be used mainly for reviews, and the pupil ought to be required to frame complete sentences in answering them.

CONTENTS.

PAGE.

CHAPTER I.—Of Civil Government Generally, ... 5
CHAPTER II.—County Districts, ... 8
CHAPTER III.—Of County Officers, ... 12
CHAPTER IV.—Courts, ... 18
CHAPTER V.—The Legislature, ... 22
CHAPTER VI.—Officers of the State, ... 25
CHAPTER VII.—The Constitution of Kentucky, ... 32
CHAPTER VIII.—Juries, Trials, and Judgments, ... 39
CHAPTER IX.—Revenue and Taxation, ... 42
CHAPTER X.—Government of Cities, ... 44
CHAPTER XI.—Charitable Institutions, ... 45
CHAPTER XII.—Federal Courts, ... 47
CHAPTER XIII.—Executive Department of the U. S., . 51
CHAPTER XIV.—Congress, ... 57
CHAPTER XV.—Revenue of the United States, ... 59
CHAPTER XVI.—Crimes and Punishments, ... 60
CHAPTER XVII.—Political Parties, ... 65
Constitution of Kentucky, ... 74
Constitution of the United States, ... 116

CHAPTER I.

OF CIVIL GOVERNMENT GENERALLY.

Civil Government is that authority by which a State or a Nation is ruled. It is established to **preserve and keep** society in order.

The foundations of society are the **wants and fears** of individuals.*

The notion of an actually existing unconnected state of nature is too wild to be seriously admitted; and, beside, it is plainly contradictory to the revealed accounts of the primitive origin of mankind and their preservation two thousand years afterward, both of which were effected **by means of single families.** These formed the first natural society among themselves, which, every day extending its limits, laid the first though imperfect rudiments of civil or political society.*

It is the **sense of their weakness and imperfections** that keeps mankind together, that demonstrates the **necessity of this union,** and that therefore is the solid and natural foundation as well as the cement of civilized society. And this is what we mean by the original contract of society.*

The whole should protect all its parts, and every part should pay obedience to the will of the whole, or, in other words, the community should **guard the rights of each individual member,** and (in return for this protection) each individual should **submit to the laws** of the community, without **which submission** of all, it is impossible that protection should certainly be extended to any.*

When civil society is once formed, government at the same time results of course as necessary to preserve and **keep that society in order.***

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* Blackstone.

Unless some superior be constituted, whose commands and decisions all the members are bound to obey, they **would still remain in a state of nature,** without any judge upon earth to define their several rights and redress their several wrongs.*

Forms of Government.—There are but three regular forms of government, viz: A **Monarchy,** an **Aristocracy,** and a **Democracy.**

In a Monarchy the government is **intrusted** to the hands of **a single person.**

In an Aristocracy it is **lodged in a council** composed of select members.

In a pure Democracy it is **vested in an aggregate assembly** consisting of all the free members of the commonwealth.

An Absolute Monarchy is a government in which the supreme ruler **governs according to his own will** and is not controlled by any established laws.

A Limited Monarchy is a government in which the supreme ruler is **restricted by laws** made by representatives chosen by the people.

A Republic is a government in which the **authority is exercised by representatives** of the people.

The difference between a Democracy and a Republic is, that in the former the **people themselves rule,** and in the latter the **representatives** of the people. A pure Democracy exists only in a country where all the people can assemble together and make laws. A Republic may be either an Aristocracy or a Democracy.

Our Government, which **is a representative Democracy,** is divided into **three distinct branches** or departments, viz: the **Legislative,** the **Executive,** and the **Judicial.**

The Legislative department **makes** the laws.

The Executive **enforces** the laws.

The Judicial **interprets** the laws.

These departments will be described in detail in succeeding chapters.

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* Blackstone.

The United States.—The United States is composed of **numerous States.** It has a Constitution **defining the rights and powers** of the National Government. All "the **powers not delegated** to the United States by the Constitution, **nor prohibited** by it to the States, **are reserved** to the States respectively or to the people."

The Constitution may properly be called the "**foundation stone**" of the Government of the United States. Neither the Congress* nor the Legislature* of any State can **pass any law contravening or opposing it.**

A State† is **one of the commonwealths** or bodies politic, the people of which commonwealths make up the body of the nation: it is composed **of counties.**

Each State has **also a Constitution** of its own. Its operations are confined to the boundaries of the State, and the Legislature thereof can not pass any law in violation of it. It **defines the rights and powers** of the State Government.

The National Constitution binds the **people of the nation.**

The State Constitution binds only the **people of the State.**

The United States has its **own laws and officials.**

Each State has **also** its own laws and officials.

A County is a **particular portion of a State** separated from the rest of the territory for certain purposes in the administration of the affairs of the State government.

The Civil Governments of all the States are very similar in character, the laws of each being **much alike.** A familiarity with the government of one State will give the student a very good idea of all.

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*See pages 22 and 57.

† That portion of our national domain not organized as States is divided into districts called Territories. The government of a Territory is similar to that of a State.

CHAPTER II.

COUNTY DISTRICTS.

In Kentucky each County is divided into **Road, School,** and **Magisterial Districts.***

Road Districts.—Roads **are a necessity,** and are essential to the prosperity of any community.

It is the duty of every government **to provide for** making roads and **keeping them in repair.**

In this State the **County Courts**† of each county are authorized by law to open and keep in repair public roads whenever it is necessary.

Before a new road can be opened, or an old one discontinued or altered, **due notice must be given** to all persons interested. Two or more suitable persons, called **"Viewers," are appointed** by the County Court to view the ground and report to the court. The court may then, **upon this report** and other evidence, **determine** whether the road shall be established, altered, or discontinued.

A writ to assess damages to land through which it is proposed for the road, or the alteration of the road, to run, may be issued by the court, and a **jury may assess** the damages, which may be paid **out of the county levy.** But the court may decree that the damages shall be **paid by the person** or persons applying for the road. No road shall be ordered to be opened through any **town lot, orchard, burying-ground, building,** or **yard** without the consent of the owner.

Roads shall be opened **thirty feet** wide, or, near a town, **fifty feet** wide.

Any person who willfully obstructs a road in any way shall be liable **to pay a fine.**

The **County Court** shall divide all the roads in the county into precincts, and appoint a surveyor in each precinct, who is

*In some States called "Townships."

†See page 18 for definition of County Court.

required **to keep the road in order.** In some counties a Road Tax is levied, and Road Precincts thereby altered or abolished.

A surveyor is not allowed to resign **under two years,** unless he remove from the precinct.

All **male persons, over sixteen and under fifty** years of age, who are able to labor, except licensed ministers of the gospel, shall be assigned to work on some road, and shall be liable to **pay a fine** upon failure to attend and work on the road, after being notified by the Surveyor.

The Surveyor may impress, by warrant from a justice of the peace, any **wagon, plow, draught horse, oxen, gear,** and **driver** in the precinct as may be necessary for the making, altering, or repairing of the road, for which the **Fiscal Court** * **shall allow** a reasonable compensation.

Surveyors of roads receive **no pay** for their services.

Turnpike roads are built **by corporations,** under charters. The corporation may acquire the land over which the road is to run **by purchase,** or **by a writ to assess damages,** as in the case of public roads. The **law regulates** the tolls and manner of travel upon the roads.

School Districts.—Education is of the highest consideration, and is indispensable to every government.

School Districts are established in each county **by the County Superintendent** of Common Schools. †

No district shall include more than **one hundred children,** between the ages of six and twenty years, unless it contains a town or village within its limits.

The School Fund **is derived from taxes levied** upon all the real and personal property in the State, **and from interest** on county bonds. The people of a district may levy an **additional tax** on themselves.

Each district is under the control of **three Trustees,** elected by the qualified voters of the district. One shall be elected **each year,** for the **term of three years,** to fill the

* See page 18 for definition.
† See page 16 for definition.

place of the trustee going out of office. The Chairman of the Board shall be the **trustee having the shortest time** to serve.

The Trustees of a district are **a body politic.** They have the right to levy a tax **to build a new school-house,** or **to repair an old one** whenever it is condemned by the County Superintendent; also to levy a tax **for fuel** for the school-house and for **defraying other necessary expenses.**

They shall **have the general control** of the school district. They **shall employ the teacher,** and may **remove him** for proper cause, subject to the approval of the County Superintendent. They shall **take the census** each year of all the children who are permitted by law to attend the common schools, and **report the same** to the County Superintendent, and they shall **make a yearly report** to the County Superintendent of the general condition of the district. For any **neglect of duty** they are liable to **pay a fine** and **be removed** from office.

They receive **no compensation,** but the Chairman of the Board is **exempt from service** upon roads, juries, or in the militia.

Magisterial Districts.—The office of Justice of the Peace is **of ancient origin.** It came to us with the common law and with English institutions. It is a very **important office,** and the **duties are numerous** and responsible.

Each county is divided into **Magisterial Districts:** not less than three nor more than eight.

One Justice of the Peace is elected in each magisterial district **every four years,** by the qualified voters thereof.

Each Justice of the Peace holds a **regular court every three months,** and may hold a **called court** for the trial of certain causes.

He has **limited jurisdiction** in civil causes. He is a **conservator** of the peace in his county, and can **inflict fines**

and **imprisonment** for penal offenses of a certain character, such as riots, routs, and breaches of the peace. He can **hold investigating trials** where persons are charged with felonies or high crimes, and require bail. He can **bind persons** to keep the peace.

He is also a **member of the Fiscal Court,** a branch of the County Court, which **meets once a year,** and at such other times as may be necessary, for the transaction of business.

As the Fiscal Court, **all the justices in the county** meet to **establish the county levy,** to **make appropriations,** or to **attend to such other business** as may be legitimately brought before them.

A Justice's **fees** are the compensation for his services, with **three dollars per day** for attending the Fiscal Court. He **gives a bond** for the faithful discharge of his duties.

A Constable is **elected every four years** in each magisterial district.

His duties are to **execute all civil and criminal processes** issued by the proper courts. He may also execute **notices, rules, orders of court,** and **make arrests,** and shall **attend the Justices' Courts** in his district.

His **fees** are his compensation.

He is **required to give a bond** for the faithful discharge of his duties.

CHAPTER III.

OF COUNTY OFFICERS.

In Kentucky, each county has a Judge of the County Court, a Clerk of the County Court, a Sheriff, a County Attorney, an Assessor, a Surveyor, a Coroner, a Superintendent of Common Schools, a Clerk of the Circuit Court, and a Jailer.

Judge of the County Court.—The County Judge or Judge of the County Court is elected **for four years.** He **is a magistrate,** and has jurisdiction of both civil and criminal causes. He **holds a court** four times a year, called the Quarterly Court, for the trial of civil causes.

He is also a **conservator** of the peace within his county, and has all the **powers of a justice** of the peace in **penal** and **criminal** proceedings.

He is required **to take and approve the bonds** of all county officials who are required by law to execute bond.

He **appoints guardians and administrators,** and **makes settlements** with them of their accounts.

He has power to **establish justices' districts and election precincts** in his county, and to **appoint** officers of elections.

He **presides** at the Fiscal Court, and **calls that court together** when he deems it necessary.

His **fees, with a yearly allowance** out of the county levy made by the Fiscal Court, are his **compensation** for his services.

He is required to execute a bond for the faithful discharge of his duties.

Clerk of County Court.—A Clerk of the County Court is elected **every four years.**

His duties are as follows, viz:

To **keep a record** of all the proceedings of the County Court (not quarterly courts). To **record** all deeds or mortgages properly acknowledged or proven. To **issue** all **mar-**

riage licenses in the county. To be the custodian of all county officers' bonds, of the assessor's books, of the poll-books and books of election, and of all other papers required by law to be recorded or kept in his office.

His fees are the compensation for his services. He is required to give a bond for the faithful discharge of his duties.

Sheriff.*—The office of Sheriff is an ancient one, and was transmitted to us by our English ancestry.

A Sheriff is elected every four years, but is ineligible to re-election or as deputy for the succeeding term.

The duties of Sheriff are as follows, viz:

To execute all civil and criminal processes from the different courts properly issued and placed in his hands; also to execute notices, rules of court, and similar papers.

He is a peace officer, and may make arrests.

He may appoint deputies with the same powers as his own.

He shall execute all persons condemned to be hung, and convey all persons to the penitentiary condemned to confinement therein.

He may command and take with him, if need be, the power of the county, or a part thereof, to aid him in the execution of the duties of his office, civil or criminal.

He shall collect the County and State taxes and pay over the same to the proper authorities.

He shall attend the Circuit, County, and Quarterly Courts, and Fiscal Court of his county, and keep order therein.

His fees are his compensation.

He is required to give bond for the faithful discharge of his duties.

County Attorney.—County Attorneys are elected for four years.

The duties of the County Attorney are as follows, viz:

To attend all County Courts held in his county, and superintend and conduct all cases and business in the courts touching the rights or interests of the county.

* The Legislature can consolidate the offices of Sheriff and Jailer in any County.

To **give** the court and the several county officers legal **advice** concerning any county business within the jurisdiction of any of them.

To **attend** the Fiscal Court and **oppose** the allowance of all improper claims.

To **oppose** the improper grant of tavern license.

To **prosecute** all criminal and penal offenses committed in his county.

To **oppose** the wrongful **alteration or discontinuance** of any public road.

To **institute and conduct** suits, motions, and prosecutions before any of the courts of the State, in which the county is interested, when so directed by the County Court.

His compensation is **a per centum** of all the fines and forfeitures recovered in his county by the Commonwealth, and **a yearly salary** allowed him by the Fiscal Court out of the county levy.

Assessor.*—The Assessor is elected **for four years.**

He may **appoint assistants** with the consent of the County Court.

He shall **cause** all the **property** in the county to be **listed** for taxation, and he shall **fix** a full and fair **value** upon all the estate so listed, and **enter** the same in the tax-book.

He shall, moreover, **return a list** of all horses, mules, and cattle, and their value; of all stores, and their value; also pleasure carriages and like vehicles, and gold and silver watches, pianos, and gold and silver plate; also all the legal voters, and enrolled militia, and children between six and twenty years of age, residing in his county.

He shall **return** to the County Court Clerk **a list of all persons** who fail or refuse to give a list of their property or give a false or fraudulent list; and such persons shall be liable to pay a fine for such offense.

The compensation of the Assessor is **a certain commission** on the **amount assessed by him.**

*The office of Assessor may be abolished by the Legislature.

Upon failure to accept the office after election or appointment, he shall be fined five hundred dollars.

He is **required to give bond** for the faithful discharge of his duties.

Board of Supervisors.—The Board of Supervisors—**five discreet tax-payers,** citizens of the county, appointed by the County Court—are required **to revise the list** as reported by the Assessor.

County Surveyor.—The County Surveyor is elected **for four years.**

He may **appoint a deputy.**

His duties are to **execute** promptly and faithfully every **order of survey,** made by any court, of lands lying in his county, and **make out and return** a true **plat and certificate** thereof, accompanied by explanatory notes. If he fail to do so, he shall **forfeit twenty dollars** to the party injured, and **be liable** to an action for damages on his official bond.

He is required to **give a bond** for the faithful performance of his duties.

His **fees** are his compensation.

Coroner.—The Coroner is elected **for four years.**

His duties are **to hold an inquest** upon the **body** of any person slain, drowned, or otherwise suddenly killed, or where any **house** be broken.

His **jury** shall be composed of **six good and lawful housekeepers** of the county, summoned and sworn by himself, who, upon their oaths, shall **inquire, and say** in writing, if they know in what manner the person came to his death or the house to be broken; when, where, how, and by whom, and who were present, and who are culpable for the act.

If any person by such inquest be found culpable, the Coroner shall **forthwith arrest and commit** such person to the county jail, to be dealt with according to law.

He shall **bury the person** over which an inquest is held, or **deliver him** to his friends if required.

He may **execute process** in criminal, penal, and civil

cases; and when so acting the laws in regard to sheriffs shall apply to and govern him.

He is required to **give a bond** for the faithful performance of his duties.

His **fees** are his compensation.

County Superintendent.—The County Superintendent is elected **for four years.**

He shall not be eligible for election unless he shall have first obtained **a certificate of qualification** from the State Board of Examiners.

His duties are as follows, viz:

To have general supervision over the common schools in his county; **to lay off, alter, or abolish** districts; **to condemn** school-houses; **to visit** the schools; **to report** to the Superintendent of Public Instruction the census of each common school district in the county; **to draw and collect the public money** due to his county for common school purposes; **to pay the teachers** in his county; **to make an annual settlement** with the County Judge; **to make an annual report** to the Superintendent of Public Instruction of the general condition of each common school in his county, including the number of pupils, the average wages of teachers, etc.; **to appoint** two persons constituting a **County Board of Examiners** for the examination of teachers; and **to grant certificates** of qualification to teachers.

He is required by law **to give bond** for a faithful performance of his duties.

He is allowed **an annual salary** by the Fiscal Court, to be paid out of the county levy.

Clerk of Circuit Court.—A Clerk of the Circuit Court is elected **every six years.**

His duties are **to keep a record** of all the orders and proceedings of the Circuit Court of his county; **to grant certificates** to witnesses; **to administer oaths,** and **to perform** such **other duties** as may be legitimately required of him by the Judge of the Circuit Court.

His **fees** are his compensation for his services.

He is required to **give bond** for the faithful discharge of his duties.

Jailer.—Every county is required to keep a secure and sufficient jail.

The Jailer is elected **for four years.**

His duties are **to have custody of the jail,** and to receive and **keep all persons in the jail** who shall be lawfully committed thereto until they are lawfully discharged. He shall **treat them with humanity,** and **furnish** them with proper **food** and **lodging** during their confinement, and shall **deliver** such as die in jail **to their friends,** if requested, or **have them decently buried** at the expense of the county.

His **fees** are his compensation for his services.

He is required to **give bond** for the faithful discharge of his duties.

Eligibility of Officers.—Each of the officers described in this chapter **must be** at least **twenty-four years** of age (except clerks of County and Circuit Courts, who shall be twenty-one years of age), a **citizen** of Kentucky, a **resident** of the State **two years** next preceding his election, and of the **county one year.**

Vacancies.—A **vacancy** in the office of Clerk of the County Court, Sheriff, County Attorney, Assessor, Surveyor, Coroner, Superintendent of Common Schools, Jailer, and Constable is **filled temporarily by the County Judge** until an election.

A **vacancy** in the office of County Judge is **filled** temporarily **by the Justices of the Peace** of the county until an election.

A **vacancy** in the office of Clerk of the Circuit Court, **by the Judge thereof** until an election; and a **vacancy** in the office of Justice of the Peace, **by the Governor** of the State until an election.

CHAPTER IV.

COURTS.

County Courts.—A County Court is **held monthly** by **the County Judge** in each county on the days **prescribed by law.** It is a **court of record.**

The County Court has power **to appoint guardians, administrators, road surveyors, viewers, officers of elections,** to **make settlements** with fiduciaries, to **probate wills,** to **open, alter,** or **discontinue roads.**

Fiscal Courts.—The Fiscal Court **is a county court** held **by the Justices of the Peace** in the county, and presided over by the County Judge; or a county may have three commissioners, to be elected from the county at large, who, together with the Judge of the County Court, shall constitute the Fiscal Court. It has power to **fix the county levy,** to **make appropriations** for the benefit of the county, to **provide for** the maintenance of the **paupers** in the county, to **fix the salaries** of the County Judge, County Attorney, and County Superintendent, and **make appropriations therefor,** and **do** such other **acts** as may be **lawfully required.** It meets once a year.

Quarterly Courts.—The Quarterly Court is a **court held** every three months **by the County Judge** for the **trial of civil causes.**

Justices' Courts.—Justices' Courts are courts **held by Justices** of the Peace.

Circuit Courts.—The State is divided **into districts,** termed **Judicial Circuits,** in which **several counties** may be included. Circuit Courts are **held in each one** of these counties.

The Circuit Court has original jurisdiction of all matters, both in law and equity, within its county, of which jurisdiction is not by law exclusively delegated to some other tribunal, and has all power necessary to carry into effect the jurisdiction given.

Special terms may be called by the Judge. Besides the jurisdiction in civil causes, which is not limited in amount, Circuit Courts have jurisdiction over high crimes and misdemeanors, such as murder, manslaughter, arson, robbery, etc.

It is presided over by a Circuit Judge, who is a conservator of the peace throughout the State.

It is a court of record.

Circuit Courts are usually held twice, and in some counties three times a year, and last for several days or weeks, according to the business.

Officers of Circuit Court.—In each Judicial Circuit there is a Circuit Judge and a Commonwealth's Attorney.

Circuit Judge.—A Judge of the Circuit Court must be a citizen of Kentucky; a resident of the district two years next preceding his election, at least thirty-five years of age, and must have been a practicing lawyer eight years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to eight years.

He is elected for six years by the qualified voters of his district.

The Circuit Judge receives a regular salary allowed by law, payable monthly out of the State treasury.

Commonwealth's Attorney. — A Commonwealth's Attorney shall be elected for six years. He must be twenty-four years of age, a citizen of Kentucky, must have been a resident two years next preceding the election in the State, and one year in the district, and a licensed practicing attorney for four years.

His duties are to **attend each Circuit Court** held in his district, to **prosecute all violations** of the criminal and penal laws therein, and to **discharge** all **other duties assigned** him by law.

This office may be abolished by act of the Legislature.

The Commonwealth's Attorney **receives a regular salary,** payable **monthly** out of the State treasury, and a **per centum of the fines** and penalties recovered by the Commonwealth in each Circuit Court in his district.

Court of Appeals.—The Court of Appeals is the highest court and the **court of last resort** in this State. It is composed of **not less than five nor more than seven judges.** They represent the Appellate Districts into which the State is divided.

Judge of Court of Appeals.—A Judge of the Court of Appeals must be a **citizen of Kentucky,** a **resident of the State for five years,** and a resident of the **district two years** next preceding his election, at least **thirty-five years of age,** and **must have been a practicing lawyer** for at **least eight years,** or whose service upon the bench of a Circuit Court, or court of similar jurisdiction, when added to the time he may have practiced law, shall be equal to eight years.

They are elected **for eight years.** They are **allowed annual salaries,** payable monthly out of the State treasury.

Chief Justice.—The judge who **presides during the sessions** of the court is called the Chief Justice.

Clerk.—The Clerk of the Court of Appeals is **elected by the voters** of the State **every four years.**

It is his duty to **keep a record** of the **proceedings** of the Court. He must be a **citizen of Kentucky,** a **resident of the State two years** next preceding his election, and **have a certificate of qualification** from a Judge of the Court of Appeals.

His **fees** are his compensation.

Reporter.—The Reporter of the Court of Appeals is **appointed by the court.**

His duties are to **publish** such **decisions** as the court may direct.

He receives an **annual salary,** payable monthly out of the State treasury.

Sergeant.—The Sergeant of the court is **appointed by the court** for four years.

His duties **are the same** toward the Court of Appeals **as required** by law **from a Sheriff** toward a Circuit Court.

His salary is **three dollars per day** for each day he attends the court.

Miscellaneous.—Appeals may be taken to the Court of Appeals from the Circuit Courts under legal restrictions. The Court of Appeals is required to hold its sessions at the seat of government.

NOTE.—The salaries of all public officials being generally under the supervision and control of the General Assembly, and liable to frequent changes, it is not deemed necessary or important to state them in a work like this.

CHAPTER V.

THE LEGISLATURE.

The Legislature is the **law-making power** of the State.

It is composed **of the Senate** and **House of Representatives,** and is known as the General Assembly.

A session of the **General Assembly** shall not continue beyond **sixty legislative days** exclusive of **Sundays** and **legal holidays.**

Senate.—The State is divided into **thirty-eight** Senatorial Districts, so formed as to contain, as near as may be, **an equal number** of qualified voters. **One Senator** is required to be elected **by the qualified voters** of each district.

He is elected **for four years;** but the term of office is so arranged that **one half the Senators are elected biennially.**

House of Representatives.—The House of Representatives consists of **one hundred members. Nearly every county** is entitled to **one Representative.** But sometimes, **on account of the population,** a county or city is **entitled to more than one** Representative, and sometimes one member **represents several counties.** It depends **upon the population** and the apportionment, the ratio **from time to time** being **fixed by law.** Representatives are elected **every two years.**

Qualifications of Members.—A Senator must be at least **thirty years of age,** must **have resided in the State at least six years** next preceding his election, and the **last year** thereof **in the district** for which he may be chosen.

A Representative must be a **citizen of Kentucky,** at least

twenty-four years of age, must have resided in the State at least two years next preceding his election, and the last year thereof in the county, town, or city for which he may be chosen.

Compensation.—The members of the General Assembly receive for their services a certain amount per diem. It is now five dollars, but may be changed by any future Legislature.

They are also entitled to mileage.

Officers.—The Lieutenant-Governor* of the State is *ex officio* the presiding officer or Speaker of the Senate.

The House of Representatives elects as its Speaker one of its own members.

The Clerks, Assistant Clerks, Sergeant-at-arms, and Doorkeepers are elected by their respective Houses, and are paid such compensation as the General Assembly may decree.

Rules of Procedure.—A quorum of each House of the General Assembly is a majority of the members thereof. Each House is the judge of the qualifications, elections, and returns of its members; but a contested election is determined in such manner as is directed by law.

Each House establishes its own rules.

Each House is required to keep, and publish daily, a journal of its proceedings.

Neither House can adjourn for more than three days, without the consent of the other, nor to any other place than that in which they are sitting.

All bills for raising revenue must originate in the House of Representatives.

The General Assembly may pass such laws as it deems proper for the benefit of the people, not in contravention of the Constitution.

Local or special legislation by the General Assembly

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* See page 26.

is generally prohibited. A majority of all the members of the House and a majority of all the members of the Senate may pass a bill or resolution over the veto of the Governor.

No person shall at the same time be a member of the General Assembly and hold any other office except that of Notary Public or in the militia.

CHAPTER VI.

OFFICERS OF THE STATE.

We have already referred to the officers of the county, and also to the officers connected with the judiciary of the county and State. We will now attempt a description of the powers and duties of the other officers of the State.

Governor.—The Governor is the **highest executive officer** in the Commonwealth. He is vested with the **supreme executive power,** and is known as the **Chief Magistrate.**

He is elected **for four years** by the voters of the State. The person having the **highest number of votes** shall be Governor.*

He is **ineligible** for the **succeeding four years** after the expiration of the term for which he is elected.

He shall be at least **thirty-five years of age,** and a **citizen and resident of Kentucky** for at least **six years** next preceding his election.

He is **Commander-in-chief** of the Army and Navy of the Commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field unless advised by a resolution of the General Assembly.

He has **power to fill certain vacancies** that may occur by granting commissions, which shall expire when such vacancies shall be filled according to the provisions of the Constitution.

He has power to **remit fines and forfeitures, grant reprieves and pardons,** except in cases of impeachment; and he shall file with each application therefor a statement of the

* This rule applies to all other elective officers.

reasons for his decisions thereon. He may grant reprieves for treason until the end of the next session of the General Assembly, in which body the pardoning power for this crime shall be vested: but he shall have no power to remit the fees of the Clerk, Sheriff, or Commonwealth's Attorney in penal or criminal cases.

He may require information, in writing, from the officers in the executive department upon any subject relating to the duties of their respective offices.

He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem expedient.

He may, on extraordinary occasions, convene the General Assembly at the Seat of Government, or at a different place, if the regular place of meeting shall have become, since their last adjournment, dangerous, from an enemy or from contagious disorders; and, in cases of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months.

He shall take care that the laws be faithfully executed.

He may offer rewards for fugitives from justice.

He shall at stated times receive for his services a compensation to be fixed by law.

He may veto the acts of the General Assembly.

Lieutenant-Governor. — The Lieutenant-Governor shall be chosen at every regular election for Governor, and in the same manner, to continue in office for the same time, and to possess the same qualifications as the Governor, and subject to the same restrictions.

He shall be by virtue of his office Speaker of the Senate; have a right, when in committee of the whole, to debate and vote on all subjects, and, when the Senate is equally divided, to give the casting vote.

Should the Governor be impeached, removed from office, die, refuse to qualify, resign, or be absent from the State, or be from any cause unable to discharge the duties of his office, the Lieutenant-Governor shall exercise all the powers and authority appertaining to the office of Governor, until another be duly elected and qualified, or the Governor shall return or be able to discharge the duties of his office.

A President *pro tempore* of the Senate shall be elected by each Senate as soon after its organization as possible, the Lieutenant-Governor vacating his seat as President of the Senate until such election shall be made. And if, during the vacancy of the office of Governor, the Lieutenant-Governor shall be impeached and removed from office, refuse to qualify, resign, die, or be absent from the State, the President pro tempore of the Senate shall in like manner administer the government.

If the Lieutenant-Governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the State during the recess of the General Assembly, if there be no President pro tempore of the Senate, it shall be the duty of the Secretary of State for the time being to convene the Senate for the purpose of choosing a President; and until a President is chosen the Secretary of State shall administer the government. If there be no Secretary of State to perform the duties devolved upon him by this section, or in case that officer be absent from the State, then the Attorney-General for the time being shall convene the Senate for the purpose of choosing a President, and shall administer the government until a President is chosen.

Secretary of State.—The Secretary of State shall be elected at the same time the Governor is elected, for the term of four years. His duties are to keep a fair register, and attest all the official acts of the Governor, and he shall, when required, lay the same, and all papers, min-

utes, and vouchers relative thereto, before either House of the General Assembly, and shall perform such other duties as may be required of him by law. He may with the assent of the Governor appoint an assistant Secretary.

He shall receive an annual salary, payable monthly out of the State treasury.

Treasurer.—The Treasurer is elected for four years.

His duties are to receive and safely keep in the treasury all moneys due or payable to the Commonwealth.

He shall receive and pay out money from the treasury only upon the certificate or warrant of the Auditor, unless the law under which the same may be claimed expressly directs and orders that the money shall be paid out of the public treasury.

He shall keep true account of all money paid into the treasury, by whom, when, and on what account paid.

He shall make clear, distinct, and intelligible reports of all money received and disbursed.

If he does willfully misapply any of the public money, he is guilty of a felony.

Auditor.—The Auditor is elected for four years.

His duties are to keep an account of all taxes collected, a list of all balances due by the Commonwealth to individuals and by individuals to the Commonwealth, an account of all claims of debt or credit which may exist between the General Government and the State, and this State and any other State, and also keep an account between the Commonwealth and all her civil officers, whose wages or salary is payable out of the treasury; a record of the compensation to members of the General Assembly and the officers thereof. He shall audit and enter in account all other demands payable at the treasury, all accounts of the collection of the revenue or other tax or public money, and of all public debts.

He shall make faithful reports of the annual income and expenses of the Government.

Attorney-General.—The Attorney-General is elected for four years. He shall have been a practicing lawyer eight years before his election.

His duties are to give his opinion, in writing, to any executive or ministerial officer of the Commonwealth, when applied to, touching the duties of such officer; and, when requested by any of the executive or State officers, to prepare proper drafts of contracts, obligations, or other instruments of writing which may be required for public use; to attend in behalf of the Commonwealth to all cases in which she may be interested, and to institute the proper procedure to coerce payment of all demands of the Commonwealth, payable at the treasury, not discharged in proper time.

Register of the Land Office.—The Register of the Land Office is elected for four years. This office may be abolished by law.

His duties are the care and control of the Land Office.

The Land Office contains the original patents and surveys of lands in the Commonwealth.

Superintendent of Public Instruction.—The Superintendent of Public Instruction is elected for four years. He is the head of the School System in the State.

His duties are to make report biennially, on or before the meeting of the General Assembly, of the condition, progress, and prospects of the common schools; to prepare suitable blanks for reports required to be made by school officials; to report any neglect of duty or misappropriation of common school funds by school officers to the proper authorities; to have published for general distribution throughout the State the general school laws of the State, and such other important facts and data as may be of interest to the public; to ascertain and estimate for each school

year the pro rata share of the school fund each child of pupil age shall be entitled to, and amount each county and each school district shall be entitled to, as shown by the returns of the County Superintendents. He is also *ex officio* President of the State Board of Education, which consists of the Superintendent of Public Instruction, the Attorney-General, and the Secretary of State, and two professional teachers to be elected by them.

The Treasurer, Auditor, Register, Commissioner of Agriculture, Secretary of State, Attorney-General, and Superintendent of Public Instruction shall be at least thirty years of age, and citizens and residents of the State at least two years before the election.

State Geologist.—The State Geologist has charge of the geological surveys of the State, made for the purpose of ascertaining the mineral resources of the Commonwealth.

Commissioner of Mines.—The Commissioner of Mines has charge of all the mines in the State, for the purpose of seeing that they are properly conducted.

Adjutant-General.—The Adjutant-General has charge of the militia of the State, the arms and munitions of war. These three officers are appointed by the Governor.

Commissioner of Agriculture.—The Commissioner of Agriculture presides over the Agricultural Bureau, to aid and encourage that branch of industry. He is elected by the people for four years.

State Librarian.—The State Librarian is elected for two years by the General Assembly, and has charge of the Public Library of the State, and is also general custodian of the Capitol, and contracts for and furnishes the necessary fuel and stationery to the officers of the State.

Commissioner of Insurance.—The Commissioner of Insurance is appointed by and is under the general supervision of the Auditor.

His duties are to investigate the responsibility of all

insurance companies doing business in the State, and see that they are reliable.

State Inspector and Examiner.—The State Inspector and Examiner is **appointed by the Governor for two years.** He shall once each year **inspect and examine** into the **management** and **condition** of the Auditor's and Treasurer's **offices,** and the **prisons** and **charitable institutions** operated by the State.

Board of Equalization.—The Board of Equalization consists of **one member from each Appellate District, appointed by the Governor.** They are the **general supervisors** of the State, and are required to **equalize taxation** throughout the Commonwealth. They are **allowed five dollars a day and mileage.**

Railroad Commissioners.—These are three persons whose duty it is to examine into the condition, management, etc., of all railroads in this State. They are elected by the people every four years. They are paid quarterly for their services.

Salaries.—The foregoing officers are **allowed annual salaries,** payable monthly out of the State treasury, the Board of Equalization **excepted.** The **General Assembly fixes** the salaries.

Vacancies.—The **Governor,** in the recess of the Senate, shall have **power to fill vacancies** in these offices by granting commissions, which shall expire at the end of the next session, and shall fill the vacancy for the balance of the time or **until the election,** by and **with the advice** and consent of the **Senate.**

The Treasurer, Secretary of State, Commissioner of Agriculture, Labor and Statistics, Attorney-General, and Register of the Land Office shall be ineligible to re-election for the succeeding four years after the expiration of the term for which they shall have been elected; and the Auditor of Public Accounts shall be ineligible to re-election for the succeeding four years after he shall have held the office for two terms, if he shall have been elected for two succeeding terms.

CHAPTER VII.

THE CONSTITUTION OF KENTUCKY.

A Constitution consists of the **fundamental laws** which govern a State or other organized society.

Definition.—The Constitution of Kentucky contains the fundamental laws which govern the **State.** The General Assembly can **not make any law** which is in **conflict** with the Constitution. If it **should pass** any act **in violation** of the Constitution, the **act would be void,** if the **judiciary,** which interprets the law, **should so declare it,** and the **executive** could **not enforce** it.

Powers.—The Constitution of this State is, in substance, as follows, viz: It divides the powers of the Government into three distinct departments: the **Legislative,** the **Executive,** and the **Judiciary.***

General Provisions.—It **provides** for the **organization** and supervision of the **State militia.**

The Militia "shall consist of all free, **able-bodied male persons,** resident in the Commonwealth, **between** the ages of **eighteen** and **forty-five** years, except such persons as may be exempted by the laws of the United States or of this State."

The privilege of **free suffrage** shall be **supported** by laws.

Every male citizen of the United States of the **age of twenty-one years,** who has resided in the **State one year** and in the county **six months,** and in the **precinct** in which he offers to vote **sixty days,** next preceding the election, shall be a voter in said precinct, and not elsewhere. Not more than **one** election each year shall be held in this State, or in any city, town, district, or county thereof. All elections of State,

* We have already noticed the requirements of the Constitution in reference to these different departments in the chapters devoted to them.

county, city, town, or district officers shall be held on the **Tuesday next after the first Monday in November.**

Voters shall be privileged **from arrest during their attendance** at, **going** to, and **returning** from elections in all cases, except treason, felony, breach, or surety of the peace, or violation of the election laws.

In all elections by the people, the **vote** shall be **by secret official ballot.** In all elections by persons in a representative capacity, the voting shall be **viva voce.**

All elective officers of the Commonwealth shall reside within the **State,** and all district, county, or town **officers** within their **respective districts,** counties, or towns. The **manner** of administering an **oath** or **affirmation** shall be **such as** is most **consistent** with the **conscience** of the deponent.

The Constitution **requires** every **officer** and **member of the bar** in this State, before entering upon the duties of his office or profession, to **take an oath** to support the Constitution of the United States and the Constitution of this Commonwealth, and to be faithful and true to the Commonwealth of Kentucky, so long as he continues a citizen thereof, and also, that since the adoption of the present (State) Constitution he, being a citizen of the State, has not fought a duel with deadly weapons in this State, nor out of it, nor sent or accepted a challenge to fight a duel with deadly weapons, nor acted as second in carrying a challenge, or aided or assisted any persons thus offending.

Every person **convicted** of having given or **consented to the giving, offer, or promise of any money or thing of value** to procure his election, **shall be disqualified** from holding any office of trust or profit for the **term** for which he shall have been **elected.**

Any corporation that shall **bribe, or offer to bribe,** in any election, shall on **conviction forfeit its charter.**

Whoever shall be **convicted** of a felony, or high misdemeanor, shall **forfeit** his **right to hold office.**

The **General Assembly** shall provide suitable means for depriving of office any person who, to procure his nomination or election, has, in his canvass or election, been guilty of any unlawful use of money or other thing of value, or has been guilty of fraud, intimidation, bribery, or any other corrupt practice, and he shall be held responsible for acts done by others with his authority, or ratified by him.

The Constitution provides for the "Common School Fund," and the election of a Superintendent of Public Instruction.

Bill of Rights.—The Bill of Rights embodies the following principles, viz:

The natural freedom and equality of all men.

The right of enjoying and defending life and liberty.

Of worshiping God according to conscience.

Of seeking and pursuing safety and happiness.

Of freely communicating thoughts and opinions.

Of acquiring and protecting property.

Of assembling peaceably together for the common good.

For applying to the Government for redress of grievances.

For bearing arms in self-defense, subject to a penalty for carrying concealed weapons.

There shall be no absolute or arbitrary power.

There shall be no exclusive privileges except for public services.

All power is inherent in the people.

The people shall have the right to alter, reform, or abolish the government.

No preference shall be given to any religious denomination.

All elections shall be free and equal.

The right of trial by jury shall be held sacred.

In prosecutions for the publication of papers investigating official conduct, the truth thereof may be given in evidence.

There shall be no unreasonable search or seizure.

All accused persons shall have the right of a speedy trial, and to be heard by himself and counsel, and to meet the witnesses face to face.

No person shall be twice put in jeopardy for the same offense. No property shall be applied to public use without consent and just compensation.

All courts shall be open.

There shall be no power to suspend the laws except by the General Assembly.

All prisoners shall be bailable except for capital offenses when the proof is evident or the presumption great.

*The writ of *habeas corpus* shall not be suspended, unless in case of rebellion or invasion.

There shall be no excessive bail or cruel punishment.

No person shall be held in prison for debt after delivering up his estate.

†No *ex post facto* law shall be passed.

‡No person shall be attainted of treason or felony.

No standing army shall be maintained in time of peace without the consent of the General Assembly.

The General Assembly shall grant no title of nobility.

Emigration from the State shall not be prohibited.

Slavery is forbidden.

NOTE.—For complete Bill of Rights see Constitution.

Mode of Revision of Constitution.—Amendments may be passed by three fifths of all members elected to each House, and the yeas and nays entered upon the journal.

Amendments shall be submitted to voters of the State at the next general election, not less than ninety days from the date of passage.

A majority of votes shall pass the amendments, but not more than two amendments shall be voted upon at one time.

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*The writ of *habeas corpus* is a writ, issued by a competent court, commanding the officer to whom it is directed to bring the person held in confinement before the court, so that the cause of his imprisonment may be investigated.

†An *ex post facto* law is a law "where, after an action (indifferent in itself) is committed, the Legislature then for the first time declares it to have been a crime, and inflicts a punishment upon the person who has committed it."

‡An attainder is where a person, by reason of a conviction of a felony, forfeits his lands and tenements, and all his civil rights generally, being neither allowed to inherit nor transmit an inheritance.

The same amendment shall not be again submitted to the voters within five years after a submission.

Proposed amendments shall be published at least ninety days before the election.

New Constitution. How made.—A Convention must be called by an act of two General Assemblies in succession. Then the people shall vote upon the same question at an election not less than ninety days from the passage of the act. If a majority of the votes are cast in favor of a convention, and if all the affirmative votes equal one fourth of all votes cast at the last preceding election, then the Convention shall be called. The Delegates shall be the same number as those of Representatives, and shall be elected at the next general election after the passage of the act calling a Convention, which does not occur within less than ninety days.

CHAPTER VIII.

JURIES, TRIALS, AND JUDGMENTS.

Trial by Jury is one of the **most ancient privileges** of civil government. Centuries ago this mode of trial was established, and it has ever since been the **usual mode** of determining ordinary issues in the courts. This system is a part of the English Code, from which our Government has obtained it, "and it was **ever esteemed** in all countries a **privilege** of the highest and most beneficial nature."

There are **two kinds** of juries, the **Grand Jury** and the **Petit Jury.**

Grand Jury.—**Twelve Grand Jurymen** shall be summoned by the Sheriff of the county to serve on the first day of the term of each Circuit Court, at which penal or criminal prosecutions may be tried. A Grand Juryman must be a **housekeeper** and a **citizen** of the county in which he may be called to serve, and **over twenty-one years** of age.

Every person summoned to attend as a grand juryman, if he **fail** to attend without a reasonable cause, **shall be fined.**

A Grand Jury composed of by-standers, if necessary, may be impaneled at any time **after the discharge** of the Grand Jury first impaneled.

The **court shall appoint one** of the number of every Grand Jury foreman thereof.

The Grand Jury shall take an oath "to diligently inquire of and present all treasons, felonies, misdemeanors, and breaches of the penal laws which shall have been committed or done within the limits or jurisdiction of the county, of which they have any knowledge or may receive information." If a **sheriff** fail to summon the Grand Jury as required by law, without a reasonable excuse, he shall forfeit and **pay** for such offense **a penalty.**

The Grand Jury can compel persons to appear before them and testify.

Indictment.—If, after hearing the evidence, they consider that there are reasonable grounds to believe that the crime or offense has been committed, they return into court an indictment, prepared by the Commonwealth's Attorney, charging the person with the crime or offense. The foreman indorses upon the indictment "A true bill," and signs his name thereto. The indictment, which is a formal accusation charging the crime or offense, is then returned into court. This is what is called "finding an indictment." If the evidence before the Grand Jury should not be deemed sufficient, then the indictment is by them "ignored."

If an indictment is found, the accused must be brought to trial.

If he has already been arrested and held to bail by a Justice of the Peace, or other proper magistrate, he answers to the charge under his bond. Otherwise he is ordered to be arrested by a bench warrant, or writ of arrest.

After having answered, or being brought into court, the accused is entitled to a fair and speedy trial by a jury of his peers. This is the trial by the Petit Jury.

Petit Jury.—A Petit Jury shall consist of twelve persons,* unless the parties agree that it may be composed of a less number.

A competent juryman for the trial of criminal, penal, or civil cases in any court must be a citizen, at least twenty-one years of age, a housekeeper, sober, temperate, discreet, and of good demeanor.

No person who has served upon the panel of the Grand or Petit Jury at one term of a court shall be eligible for one year thereafter to be placed upon the panel of the Petit Jury.

No person shall be summoned who is not a qualified juror.

If a juror in any case shall take or agree to take a bribe,

* In civil and misdemeanor cases, in courts inferior to the Circuit Courts, a jury shall consist of six persons.

or shall, from favoritism or corrupt partiality, give or refrain from giving his verdict, and shall be thereof convicted, such juror shall not thereafter serve on any jury, and shall be fined one hundred dollars and a sum equal to ten times the amount received or agreed to be received.

No sheriff or other officer shall converse with a juryman upon any subject after he has been sworn, unless by leave of the court.

No civil officer shall be summoned on a Petit Jury in any court.

No transient person, physician, surgeon, practicing attorney, or minister of any religious society, shall be compelled to serve on a Petit or Grand Jury. Cashiers and tellers of all banks doing business in this Commonwealth, and those who may be supplying their places for the time, shall be exempt from all jury service.

Each party litigant in civil actions shall have the right of peremptory challenge to one fourth of the jury summoned, and the right to challenge for cause, as now given by law.

In prosecutions for felony the defendant is entitled to twenty peremptory challenges, and the Commonwealth to five peremptory challenges.

In prosecutions for a misdemeanor each party is entitled to three peremptory challenges.

A challenge to the panel shall only be for a substantial irregularity in selecting or summoning the jury.

Either party can also challenge for cause, as now given by law.

Before hearing the evidence the jury shall take an oath "to well and truly try the issue joined and a true verdict to render."

Mode of Selecting Juries.—Three jury commissioners, appointed by the court, draw the names of persons who constitute the grand and petit jurors from a box, wherein they have placed the names of those from whom the

jury are to be drawn. These **names so drawn** are then given to the **sheriff to summon.**

In Justices' courts a jury composed of **six men** are authorized to try a case. This jury is not drawn, but summoned **from by-standers.**

Trial by Jury.—After the **jury** have been **selected** the **trial begins.** The plaintiff is the **party who brings** the suit, and the defendant is the **party against whom** the suit is brought.

The **burden** of proof is usually **on the plaintiff;** and the party having the burden of proof **must first** introduce his evidence, **then** the **other side** is heard. The **party having the burden** of proof has the right to make the **closing argument** to the jury, the other side opens the argument.

If the jury fail to agree, **another trial** must **be had,** but the same jury can not try the cause again.

If the jury agree in civil causes, the **court can render a judgment** in accordance with the verdict, or set it aside and grant a new trial for proper cause.

In criminal and penal causes, if the defendant is found **"not guilty"** by the verdict, he is **discharged** and the case is ended; but if the defendant is found **"guilty"** by the verdict, the **court** may **either render** a judgment **or set** the verdict **aside** as in civil suits.

A Civil Suit is an **action** before a court between parties for the **enforcement of a contract,** or some real or supposed right. In a civil suit a grand jury is unnecessary. **Either party** may demand a petit jury to determine the facts in the case. The **party against whom** the **decision is** rendered is usually required to pay the costs or expenses of the suit.

Other Trials.—Equity suits are those in which **questions of law,** and not fact, are **involved;** and these are generally decided by the court or judge, without the intervention of a jury.

Judgments.—Judgments are the **sentences** of the law pronounced **by the court.**

The Sheriff is usually required to enforce the judgment of the court; as, in criminal cases to convey the defendant to the penitentiary, or to execute him, according to the judgment. In civil suits, where the judgment is for the purpose of enforcing the payment of a debt or money, what is called a *fieri facias*, or an execution, is issued by the clerk or proper officer, and placed in the hands of the sheriff, or in some cases the constable. It is a writ directing him to make the debt out of the property of the defendant and pay it over to the plaintiff. Under this writ he is authorized to levy upon or seize the property of the defendant in the execution, and sell it after proper notice, and pay to the plaintiff the amount of the debt and costs of the plaintiff.

Exemptions.—Under the law certain property, real and personal, is exempted from execution for debt.

CHAPTER IX.

REVENUE AND TAXATION.

Sources of Revenue.—Besides the County Revenue, which consists of a **tax upon** the real and personal **property in the county,** and also a poll or **head tax** upon the **citizens** thereof, **levied** by the Fiscal Court each year, **to meet** the **expenses** of the county, there is also an **annual tax** levied upon the real and personal **property in the State** for the **purpose** of defraying the **expenses** and the **liabilities** of the State. This is the **State Revenue. A portion** of this tax is set apart for the **ordinary expenses** of government, a portion for the support of **common schools,** and a portion for the use of the **sinking fund,** which is a reserved fund set apart for the payment of the public debt of the State, interest thereon, etc.

This revenue is under the control **of the General Assembly,** which establishes and regulates the same. Besides this, the State collects taxes for **licenses** from liquor dealers, keepers of billiard saloons, bowling saloons, ten-pin alleys, circuses, and theatrical performances, and peddlers; also on law processes **recording deeds** and **similar papers.**

We have already referred to the duties of the assessor and sheriff in connection with the public revenue.

Exemptions.—Certain property is exempt from taxation, such as household goods, not exceeding two hundred and fifty dollars in value, the **growing crop** on land listed for taxation, the **provisions** on hand for family use; also court-houses, clerks' offices, jails, public grave-yards, lunatic, orphan, and deaf and dumb asylums, hospitals, infirmaries, widows and orphans' asylums, foundling hospitals, and institu-

tions of like character; also certain **real estate belonging to** certain charitable organizations, churches, etc., also the **property of the United States** used for custom houses, post-offices, docks, ship-yards, forts, arsenals, and barracks.

CHAPTER X.

GOVERNMENTS OF CITIES.

Cities and towns usually **have** their own **distinct and peculiar laws.**

Organization.—The charter is **granted by the State** Legislature, and may be termed the **Constitution** of the City.

The **General Council** usually comprises the **Board of Aldermen,** which is similar to the **Senate,** and the **Board of Councilmen,** which is similar to the **House of Representatives.** This **body** may be termed the **Legislature** or General Assembly of the city.

It has the **power and authority** to make all necessary **ordinances, appropriations,** etc., for the city.

Officers.—The **Mayor** is the **chief executive** officer. He **sometimes** acts as a **judicial officer,** before whom persons who violate the city ordinances are brought for trial.

A **Police Judge,** however, generally has **jurisdiction** over such cases, **with powers** similar to that of a **justice of the peace.**

The **Marshal** has powers of a nature **similar** to those of a **sheriff.** The **police** have power to **arrest** disorderly persons, and those violating the ordinances.

There is usually a **City Attorney,** a **Street Commissioner,** and **other officers,** with powers and **duties marked out** by the charter and ordinances of the city.

The **Board of Education** have charge of the public schools, and have **special laws** for their guidance.

CHAPTER XI.

CHARITABLE INSTITUTIONS.

It is the duty of every State or government **to provide for those** who, from misfortune or the dispensations of Providence, are **unable** to provide for or take care of themselves.

State Institutions.—The **Lunatic Asylums** are for the **care** and **custody** of the lunatics in the State.

The **Deaf and Dumb Asylum** is for the **care** and the **education** of the deaf and dumb.

The **Kentucky Institution for the Blind** is for the **education** of the blind.

The **Feeble Minded Institute** is for the **care** and **education** of the feeble-minded children of the State.

These institutions are established and maintained **by law** and at the **expense of the State.**

The **Superintendents** are appointed **by the Governor.**

They are allowed **annual salaries,** paid **monthly** out of the State treasury.

County Institutions.—Each county must **take care of** its own paupers; it may **purchase land** and **erect** a poor-house thereon.

The Fiscal Court has power **to levy** a **sum sufficient** to pay for the land and necessary improvements and repairs to the poor-house; **to support** the **poor** of the county therein; **to appoint** one or more **commissioners** of the poor-house and premises, and of the poor of the county whom the court may order to be kept in the poor-house, and pay them; **to vest** the **commissioners** with power by coercion to cause any able-bodied poor person kept at such house to labor; **to appoint** a suitable **person to receive** the money levied for the institution; to **apply the same** to the support of the poor in such

house, and to allow such receiver a reasonable compensation for his services.

The County Court in term time, or the County Judge in vacation, shall have power to order a poor person to be taken to the poor-house and supported, and to cause medical aid to be employed at the public expense for such of the poor of the county as may be deemed worthy.

Every person going about begging, or staying in any street or other place to beg, shall, on the warrant of the Presiding Judge of the County Court, be sent to and kept at the poor-house; but if a male and able to work, he may be proceeded against under the vagrant laws.

CHAPTER XII.

FEDERAL COURTS.

The Federal Courts, or courts of the United States, are **something similar** to the **courts of the States.**

Courts.—The Federal Courts are as follows, viz: **Supreme Court, Court of Claims, District Courts, Circuit Courts, Courts of Commissioners.**

Supreme Court.—The **Supreme Court** of the United States is the **highest court,** and the **court of last resort** in the United States. It consists of a **Chief-Justice** of the United States and **eight Associate Justices,** any six of whom shall constitute a quorum.

They are **appointed by the President** of the United States to serve **for life** or **during good behavior.** They receive an **annual salary,** payable **monthly,** which shall not be diminished during their continuance in office.

The **Supreme Court** shall have power to **appoint a clerk** and a **marshal** for said court and a **reporter** of its decisions.

One or more **deputies** may be **appointed** by the **clerk.**

Jurisdiction. The Supreme Court has original jurisdiction of all **controversies of a civil nature** where a **State is a party,** and also of **proceedings against embassadors,** their servants, and other public ministers.

It also has **appellate jurisdiction** from the **lower courts** of the United States in cases allowed by law.

Court of Claims.—The **Court of Claims** consists of **five judges,** of whom one is Chief-Justice.

They are **appointed by the President** for life or during good behavior.

They receive an **annual salary,** payable **quarterly.**

They have power to **appoint a clerk**, an **assistant clerk**, a **bailiff**, and a **messenger.**

The Court of Claims has jurisdiction of **suits on claims** against the United States.

The **Supreme Court** and **Court of Claims** hold their **sessions** at the **National Capital.**

District Courts.—The United States is divided **into various judicial districts.**

In **every State** in the Union there is a **District Judge. Some** of the States are divided into **two or more districts.** In some instances a **judge** presides over **two or more districts.** Congress may change the number at any time.

A **District Judge** is appointed **by the President** of the United States **for life** or during good behavior, and he shall, at **stated times**, receive a **compensation** for his services, which shall **not be diminished** during his continuance in office.

Jurisdiction. The District Courts have **jurisdiction** of all **crimes and offenses** against the United States, committed **within their respective districts** or **upon the high seas**, the **punishment** of which is **not by death**; of all civil **causes of admiralty** and **marine** jurisdiction; of all suits for **penalties** and **forfeitures** incurred under any law of the United States; of all matters and **proceedings in bankruptcy**, and of a great **variety of cases** arising under the laws of the United States.

Circuit Courts.—The **United States** is divided into **nine Circuit Court Districts.**

A Judge for each circuit is appointed **by the President** of the United States **for life** or **during good behavior.**

He holds a court **in each district** of the circuit, which he may hold **alone** or **in conjunction** with the District Judge. In the **absence** of the Circuit Judge a District Judge or **two District Judges** may **hold** the court. A **Justice of the Supreme Court** of the United States is **also required** to hold a court in each circuit at least once in two years, at which

time he may have associated with him the Circuit Judge or a District Judge of the vicinity.

The salary of the Circuit Judge is **greater than** that of the **District Judge,** and, like that of the District Judge, shall **not be diminished** during his continuance in office.

Jurisdiction. The Circuit Courts have **jurisdiction** of all **suits** of a civil nature at **common law** or in **equity** of which the United States, by law, has cognizance; also of **suits** arising under the **patent or copyright laws,** and of a **variety of other cases. Prosecutions** of crimes and offenses against the United States may be, **generally,** in **either the District** or the **Circuit Court. Appeals** may be taken from the **District Court** to the Circuit Court, and from the Circuit Court to the Supreme Court of the United States.

Trials.—Grand and Petit **Jurors** may be **summoned** and **impaneled** in a manner **similar** to that of the **State courts.**

The **practice, pleadings,** and **proceedings** in the Circuit and District Courts of the United States are **similar** to those of the **State Circuit Courts.**

Officers.—The **officers** of the District and Circuit Courts are a **District Attorney,** a **Marshal,** and a **Clerk.**

The **District Attorney** is **appointed by the President** of the United States **for four years.**

His duties are **to prosecute,** in his district, all delinquents for crimes and offenses cognizable under the authority of the United States, and to **represent** the United States in all civil actions in which it is concerned in the said district. He receives an **annual compensation** and his **fees.**

The **Marshal** is **appointed by the President** of the United States **for four years.**

He **may appoint** one or more **deputies.**

His duties are **to serve** such **writs, orders, notices, subpœnas,** and **similar processes** as may be legally issued and placed in his hands, **to arrest** persons charged with crimes and offenses, **to attend** the courts in his district, and **keep**

order therein, to pay jurors and witnesses for the United States, and to perform duties in his courts similar to those of a sheriff in the State courts.

He is required to give a bond for the faithful discharge of his duties.

The Clerk of the District Court is appointed by the Judge thereof.

The Clerk of the Circuit Court is appointed by the Judge thereof, the District Judge concurring.

It is the duty of the clerks to keep a record of all the orders and proceedings of their respective courts, and to perform such other duties as may be legitimately required of them.

One person may be clerk of both courts.

The fees of the clerks and marshals are their compensation.

Commissioners' Courts.—The Commissioners of the Circuit Courts are the most widely distributed of the judicial officers of the United States. Each Circuit Judge is authorized by law to appoint as many discreet persons as he may deem proper to serve as Commissioners of the Circuit Court.

The duties of these Commissioners resemble in some respects those of Justices of the Peace as examining courts. They are required by law to perform various duties, the principal of which are to assist the District and Circuit Courts in taking evidence to be used in the trial of causes, and arresting persons charged with offenses against the United States, and investigating the charges, and holding the accused for trial.

Any Judge of a State or of the United States or any Magistrate is authorized by law to arrest, imprison, or bail any person charged with an offense against the United States.

There is also a Circuit Court of Appeals.

CHAPTER XIII.

EXECUTIVE DEPARTMENT OF THE UNITED STATES.

President and Vice-President.—The President is the **chief executive officer** of the United States. He is called the **Chief Magistrate** of the nation. He is **elected** and **holds** his office **for four years.** At the **same time** and **for the same period** another officer is elected, called the **Vice-President.**

They are **not voted for** or elected directly **by the people,** but **by a body of men called electors,** in the following manner:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.*

These electors choose the President and Vice-President. In case no person receives a majority of the votes cast by the electors, then the Constitution of the United States directs how the election shall take place.

In case of the death, resignation, or removal of the President, the **Vice-President becomes the President;** and, **in case he dies** while President, the **Secretary of State** is President.

No person except **a natural born citizen** of the United States shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have **attained the age of thirty-five years,** and been **fourteen years a resident** within the United States.

The **duties** of the President and Vice-President are **set forth in the Constitution.**

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*See Chapter XIV.

They receive an annual salary, payable monthly.

President's Cabinet.—The Cabinet of the President consists of eight officers, each the head of a separate administrative department, appointed by the President, as follows, viz: The Secretary of State, who shall perform such duties as shall from time to time be enjoined on him by the President, relative to correspondence, negotiations with or instructions to public ministers or consuls from the United States, or to negotiations with public ministers from foreign States or Princes, or such other matters respecting foreign affairs as the President shall assign to his department; the Secretary of the Treasury, who superintends the financial affairs of the Government, and recommends to Congress such measures as he considers to be of advantage to the credit of the nation; the Secretary of War, who has charge of the military affairs of the nation—it is his duty to attend to the construction of fortifications, to direct surveys, to attend to the transportation of troops, to prescribe the kinds as well as the amount of supplies to be purchased for the army, to establish signal stations, and to have supervision of the engineer, subsistence, ordnance, topographical, medical, and Quartermaster-General's bureaus, and the Adjutant-General's office; the Secretary of the Navy, who has charge of all naval affairs and of the bureaus that are naturally appurtenant thereto, such as navy-yards, construction, etc.; the Secretary of the Interior, who has charge and supervision of the census, the public lands, the Indians, pensions, bounty lands, patents, and education; the Secretary of Agriculture, whose duty is to acquire and diffuse among the people useful information on subjects connected with agriculture; the Postmaster-General, who has the general control and supervision of all the post-offices in the United States, and of all postal arrangements, both in the United States and with foreign nations; and the Attorney-General, who is the head of the Department of Justice, which includes the courts of the United

States. He is the legal counsel for the President and other Government officers, and it is his duty to advise them and give them opinions on any subjects connected with their offices, when requested.

Department of State.—Ambassadors and other Public Ministers are persons sent abroad to represent our Government in other countries. These representatives are of different grades, and are connected with the Department of State. A Secretary of Legation is the secretary or clerk to a foreign embassy.

Consuls are persons sent to foreign countries to watch over the interests of our commerce, and to protect the rights of seamen, and are under the supervision of the Secretary of State.

Treasury Department.—In the Treasury Department the work is performed by various bureaus, under control of the following officers, viz: First Comptroller, Second Comptroller, First Auditor, Second Auditor, Third Auditor, Fourth Auditor, Fifth Auditor, Sixth Auditor, Treasurer, Register, Commissioner of Customs, Comptroller of the Currency, Commissioner of Internal Revenue, Chief of the Bureau of Statistics, Director of the Mint, Chief of the Bureau of Engraving and Printing.

Duties of Officers: The duties of the Comptrollers are to examine all accounts settled by the Auditors, to superintend the adjustment of the public accounts, to countersign all warrants drawn by the Secretary of the Treasury, War, or Navy, and authorized by law, and to superintend the preservation of public accounts; of the Auditors are to receive, examine, and audit all accounts presented against the United States, and transmit the same to the Comptroller for his decision thereon; of the Register are to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States, and to receive and preserve all accounts which shall have been finally adjusted by the Comptroller

and Commissioner of Customs; and of the Commissioner of Customs are to examine all accounts settled by the First Auditor relating to the receipts from customs.

The Comptroller of the Currency shall have supervision of the national banks, and conduct the business of the currency bureau. The Commissioner of Internal Revenue shall have general superintendence of the assessment and collection of all duties and taxes imposed by any law providing for internal revenue. The Bureau of Statistics shall have charge of the collection, arrangement, and classification of such statistical information as may be procured, showing or tending to show each year the condition of the agriculture, manufactures, domestic trade, currency, and banks of the several States and Territories. The Bureau of the Mint has under its control all mints for the manufacture of coin. The Bureau of Engraving and Printing has under its supervision the internal revenue stamps, the national bank notes, and the notes, bonds, and securities of the United States.

Besides these the Supervising Architect, who has the general supervision of the construction of all United States buildings, is under the direction of the Treasury Department.

War Department.—The Secretary of War is assisted in the discharge of the duties of his office by the Adjutant-General, his chief assistant; the Quartermaster-General, who has charge of the military stores and supplies; the Commissary-General, who has charge of the subsistence department; the Paymaster-General, who superintends the pay department of the army; the Surgeon-General, who has charge of the medical department; the Chief of Engineers, who has charge of the corps of army engineers; the Chief of Ordnance, who has charge of the ordnance supplies; the Chief Signal Officer, who has charge of all signal duty; and the Judge-Advocate General, who has charge of the bureau of military justice.

The Coast Survey, which has charge of the preparations

of charts from surveys of the entire sea-coast of the United States, is under the direction of the War Department.

Navy Department.—The Navy Department contains the Bureau of Yards and Docks, which has charge of the construction of docks, piers, etc.; the Bureau of Equipment and Recruiting, which has charge of recruiting; the Bureau of Navigation, which has charge of the naval apprentices, the naval observatory, the naval signal office, etc.; the Bureau of Ordnance, which has charge of the ordnance stores; the Bureau of Medicine and Surgery, which has charge of the medical supplies and naval hospitals; the Bureau of Provisions and Clothing, in charge of provisions and clothing; the Bureau of Steam Engineering, in charge of the steam machinery, and the Bureau of Construction and Repair, in charge of planning, building, and repairing vessels.

Department of the Interior.—Its branches are: The Patent Office, the Commissioner of which has charge of the hearing and deciding cases relating to patents; the Pension Office, the Commissioner of which has charge of the granting of pensions; the Land Office, the Commissioner of which has charge of the various matters concerning the public lands; the Office of Indian Affairs, the Commissioner of which has the general superintendence of all Indian affairs; the Office of the Census, the Superintendent of which has charge of the census; and the Bureau of Education, the Commissioner of which has charge of collecting and distributing statistics in regard to education in the United States.

Post-office Department.—The Assistants of the Postmaster-General are: The First Assistant Postmaster-General, who has the superintendence of the appointment and removal of postmasters of a certain class; the Second Assistant Postmaster-General, who has supervision of letting contracts for carrying the mail, and the

Third Assistant Postmaster-General, who has **charge** of the general **financial business** of the department.

Postmasters are divided into **different classes.** The **highest class** are appointed **by the President, others by the post-office department.**

General Remarks.—In all these Cabinet departments a sufficient **number of clerks are employed** to assist in the transaction of business.

The **Army and Navy** of the United States **have numerous officers,** all of whom receive pay from the United States treasury.

Many of the **officers** appointed by the President **have to be confirmed** by the Senate.

There are **many thousands of officers** in the United States **performing service** under the **different departments** of the Government. It would require a large volume to describe minutely the grand system by which our Government is moved.

CHAPTER XIV.

CONGRESS.

Organization.—The law-making power of the United States is vested in the Senate and House of Representatives. These two bodies are known as the Congress.

Each Congress lasts two years, and holds two sessions—a long one and a short one; but special sessions may be called by the President of the United States.

The Constitution of the United States defines the powers and the duties of Congress.

Congress is very similar to our State Legislature.

The President may veto any bill; but it can be passed over his veto, and become a law, if approved by two thirds of both Houses.

Senate.—Each State is entitled to two Senators. They are elected by their respective State Legislatures, and hold office for six years.

In the original selection of Senators it was so arranged, and is now so continued, that one third of the Senators go out every two years; that is, that whenever a new Congress meets two thirds of the Senate are men who have previously served in that body. This is a plan somewhat similar to that of our State Senate, in which one half of the Senators retire every two years. It is believed that this plan best preserves the dignity and usefulness of the Senate.

The Vice-President is *ex-officio* President of the Senate.

A Senator must be at least thirty years of age, a citizen of the State from which he is elected, and have been a citizen of the United States nine years preceding his election.

House of Representatives.—The House of Representatives consists of members elected **directly by the people.** They hold office for two years.

The number of Representatives from any State is determined by its population, according to a regular apportionment, which is based upon the decennial census. Each State, however, is entitled to one Representative.

A Representative must be at least twenty-five years of age, and must have been at least seven years a citizen of the United States, and an inhabitant of the State from which he is chosen.

All bills for raising revenue must originate in the House of Representatives.

The **Senators and Representatives** receive a compensation fixed by law, and paid **out of the treasury** of the United States.

NOTE.—Each organized Territory is entitled to one Delegate, who may engage in debate, but not vote.

CHAPTER XV.

REVENUE OF THE UNITED STATES.

Sources of Revenue.—The Revenue of the United States is obtained principally from the Tariff and the Internal Revenue.

The revenue thus collected is paid into the treasury of the United States, and is used for the purpose of paying the debts and expenses of the Government, and providing for the common defense and general welfare.

A vast sum of money is collected every year from these sources.

The Tariff.—The Tariff is a tax or duty imposed by law upon certain articles imported into this country from foreign countries.

Collectors of Customs are stationed at the different ports of the United States, whose duty it is to collect the tariff.

The Internal Revenue.—The Internal Revenue consists of taxes levied upon certain articles, and the manufacturers thereof, which are manufactured in the United States, the principal of which are whisky and tobacco.

Collectors of Internal Revenue are located throughout the different States for the purpose of collecting the internal revenue.

The officers who attend to the collection of the internal revenue are the Collectors, Gaugers, and Storekeepers.

CHAPTER XVI.

CRIMES AND PUNISHMENTS.

A **knowledge** of the criminal law is very **essential** to the **peace, happiness,** and **prosperity** of every government.

Every **citizen should** understand the **nature of crimes** and **punishment** in order that he may avoid committing a crime.

"A **crime** or **misdemeanor** is an **act committed** or **omitted in violation** of public law, either forbidding or commanding it. This general definition comprehends both crimes and misdemeanors, which, properly speaking, are mere synonymous terms; though, in common usage, the word 'crimes' is made to denote such offenses as are of a deeper and more atrocious dye, while smaller faults and omissions of less consequence are comprised under the gentler name of misdemeanors only."

Under our statute offenses are either **felonies** or **misdemeanors.** Such **offenses** as are **punishable with death** or **confinement** in the **penitentiary** are felonies. All **other offenses,** whether at common law or made so by statute, are **misdemeanors.**

Felonies.—Treason, which is levying war against the Government, or adhering to its enemies, giving them aid and comfort, and **murder,** which is the willful and malicious taking of human life, are classed as **felonies** by our statutes.

The punishment for these crimes is **death** or **confinement in the penitentiary.**

Manslaughter, which is taking life in sudden heat and passion; **bigamy,** which is the crime of marrying again when the offender has a living wife or husband undivorced; **robbery,** which is the feloniously taking of the personal property

of another from his person or in his presence by violence, or putting him in fear; **burglary**, which is the breaking into a dwelling-house in the night time with the intention of committing a felony; **maiming**, which is unlawfully putting out an eye, or cutting or biting off or slitting the tongue, nose, ear, or lips, or cutting or biting off any other limb or member of another person; **arson**, which is the malicious and willful burning or attempting to burn any house; **perjury and false swearing**, which is willfully swearing to that which is false in some judicial proceeding; **subornation of perjury**, which is unlawfully and corruptly causing or procuring another to commit these offenses; **forgery**, which is the fraudulent making or alteration of a writing to the prejudice of another man's right; **counterfeiting**, which is the making of imitations of the true money or currency of the State or Government without lawful authority, with a view to defraud by passing the imitations for the true currency or money; **grand larceny**, which is the felonious taking and carrying away of the personal goods of another, where the property stolen is worth ten dollars or more; **embezzlement**, which is for one person willfully and fraudulently to convert the property of another person to his own use, are also **felonies**, the **punishment** for which is **confinement in the penitentiary** for a **term of years** corresponding to the **gravity of the crime.**

Of **other felonies** the following may be named: **Willfully and maliciously shooting** or **stabbing** another with intention to kill, or **maliciously attempting to poison** another, when death does not ensue; **willfully stabbing, striking,** or **shooting** another, not intending to produce death, whereby the person so injured shall die; **attempting to commit robbery; having burglar's tools in possession** with intent to use them burglariously; **knowingly sending a threatening letter** to another with the intention to extort money or other property; **breaking into any house** with intent to steal or destroy property; **unlawfully arresting or imprisoning another,** or **transporting him**

against his will beyond the bounds of this Commonwealth, or aiding or abetting any one to do the same; unlawfully collecting or receiving money or other property from another, under the pretext of acting under any civil or military authority of this State or the United States; pretending to act under any civil or military authority of this State or the United States, and unlawfully, by force or threats, preventing another from exercising his lawful trade or calling, or from the free import or export of any article of produce or merchandise, the import or export of which is not prohibited by law, or requiring any license other than that imposed by law for the doing of any such acts; knowingly having counterfeit money in possession with the intention of passing the same; attempting to destroy a steamboat, vessel, or other water-craft; knowingly receiving stolen goods of the value of ten dollars or more; fraudulently destroying or concealing a will; obtaining money or property by false pretenses; marrying another, becoming bail for any party, confessing any judgment, acknowledging the conveyance of any instrument, which by law may be recorded, or doing any other act, in another's name, whereby the person so personated becomes liable or may become liable for debt, damages, or money; defacing or cutting down a corner tree or stone to the survey of any tract of land; tearing up a railroad track or placing an obstruction thereon*; voluntarily suffering a prisoner to escape, guilty of felony, by any officer having him in his custody; assisting a prisoner to escape, if the prisoner is charged with felony. The punishment for all these crimes is confinement in the penitentiary.

Any school trustee willfully making any false report, required by law to be reported, or any notary public, falsely stating in any protest made by him that notices were given or sent by him, shall be deemed guilty of false swearing, and confined in the penitentiary.

*If death is caused thereby, it is murder.

A person in jail convicted of felony, if he escapes, shall be confined in the penitentiary one year for the offense.

Misdemeanors.—Petit larceny, which is the felonious taking and carrying away of the personal goods of another, where the property is of less value than ten dollars; knowingly receiving stolen goods of less value than ten dollars; unlawfully shooting and wounding, or shooting at without wounding, another; enticing any person to abandon any contract for labor; voluntarily suffering a prisoner guilty of a misdemeanor to escape by any officer having him in custody; assisting a prisoner to escape if the prisoner is charged with misdemeanor; disturbing religious worship; swearing profanely or being drunk; violating the Sabbath day by doing work or business; killing, disfiguring, or maiming any stock not his own; being guilty of riot, rout, or breach of the peace; fighting a duel or sending a challenge; racing on the highway; injuring or defacing property of any kind; carrying concealed a deadly weapon; unlawfully shooting in a town or city; selling liquor without license, or to a minor, or to any known inebriate, and gaming, are the principal misdemeanors defined in our statutes. The punishment for a misdemeanor is fine or imprisonment in jail, or both.

Crimes against the United States.—These are principally as follows, viz:

Treason, which has already been defined.

Violating the pension laws, such as fraudulently obtaining or fraudulently assisting any one to obtain a pension, or for an attorney or agent to charge an applicant for obtaining a pension a larger sum than is allowed by law, etc.

Violating the postal laws, such as mail robbery, intercepting or detaining unlawfully the letters or packages of another, or opening, embezzling, or destroying the same; breaking into a post-office, sending letters with intent to defraud, using postage stamps which have already been used, etc.

Violating the internal revenue laws, such as **carrying on** the business of a distiller or liquor dealer or manufacturer of tobacco without having paid a license therefor, unlawfully **breaking into** a bonded warehouse or distillery, unlawfully **removing spirits** on which the tax is not paid, **making** and **using** false stamps, **frauds** in inspection, gauging, etc.

Counterfeiting the coin or currency, etc., of the United States.

Crimes committed upon the vessels of the United States **on the high seas,** and **crimes** committed **on lakes, harbors, rivers, etc.,** over which the United States has jurisdiction, and **crimes** committed **in the Territories** of the United States.

Modes of Punishment.—There are **several ways** of punishing persons guilty of violating the law, the principal of which are as follows, viz:

1. **Execution,** which is **putting** any one **to death** as a legal penalty. This is called **capital punishment,** and is usually inflicted **by hanging.**

2. **Confinement in the penitentiary.** The **penitentiary is a house of correction,** in which offenders against the law are confined for punishment and reformation, and compelled to labor. The penitentiary of this State is **under the control** of a **warden,** appointed by the Commissioners of the Sinking Fund (the Governor, Secretary of State, Attorney General, Auditor, and Treasurer), who **have general supervision** thereof. A **work-house** is a city or town **prison similar** to the penitentiary.

3. **Confinement in jail.**

4. **Fines.**

5. **Forfeiture** of right of suffrage and to hold office.

NOTE.—**Whipping** and **branding** are also resorted to in some instances and places, but this does not apply to our State. In some countries malefactors are banished, and there are also other modes of punishment which are not common to our Government.

CHAPTER XVII.

POLITICAL PARTIES.

A Political Party is an organization whose members advocate certain measures that they desire to become laws. Such measures of governmental policy are frequently adopted. Hence, the political organizations of a country usually shape its destinies. They are therefore very important factors in civil affairs.

Candidates.—Persons who aspire to office and solicit the votes of the people are called candidates. Candidates are voted for on the day of the election, and the one receiving the majority of votes for any office is declared elected.

Nominations.—Candidates are frequently nominated by the political parties. They are then known as nominees. The usual ways of nominating candidates are by **conventions, caucuses,** and **primary elections.**

Conventions.—A convention is a body of men who are called delegates and are chosen by their party to represent the party. These conventions usually are called together by committees who are the advisers or counsellors of the party. These conventions are held to adopt certain political principles for the guidance of the party, or for the nomination of candidates, or for both. The declaration of principles adopted by a political party is known as a **platform.**

Caucuses.—A caucus is a convention of a legislative body, or a ward or country district meeting held for the same purposes as a convention of representative politicians.

Primary Elections.—A primary election is an election where a political party opens polls or voting-places and votes for candidates who aspire to office, in order to ascertain who shall be selected as the candidate of the party. The person

receiving the highest number of votes is the nominee. He then becomes the only candidate for whom the party is expected to vote at the regular, lawful election. Defeated candidates usually acquiesce in the decisions of these conventions, caucuses, or primary elections, and withdraw from the race. When they refuse to abide by the decision and run independently they are called bolters.

QUESTIONS.

CHAPTER I.

What is civil government? Why was it established? What are the foundations of society? How was the preservation of mankind effected? What keeps mankind together, and demonstrates the necessity of this union? What is the natural foundation and cement of civil society? What is meant by the original contract of society? What should the community do? What should each individual do? What is necessary for protection? When does government result? For what is it necessary? Why should a superior be constituted and obeyed? Name the different forms of government, and define them? What is a Republic? Tell the difference between a Republic and a Democracy? What is the Government of the United States? Of what is the United States composed? What is the Constitution of the United States? What are the reserved rights of the States? What may the Constitution be properly called? What can not the Congress nor the Legislature do? Of what is a State composed? What is a State? What does the National Constitution bind? What does the State Constitution bind? What does the United States and State have? What is a county? What is the character of the civil government of the States?

CHAPTER II.

How is a county divided? What of roads? What is the duty of the Government in regard to roads? What power can open and keep roads in repair? How are roads opened, altered, or discontinued? How are damages assessed? How are the damages paid? Through what places shall a road not run? How wide shall roads be? What is the penalty for obstructing a road? Who can divide roads into precincts? What is the duty of a Surveyor? Who appoints the Surveyor? When can the Surveyor resign? What persons shall work on a road? What is the penalty for a failure to attend and work? What may the Surveyor impress? Who pays for articles impressed? What is the

compensation of a Surveyor of roads? How are turnpike roads built? How are lands acquired by them? What regulates the tolls and manner of travel? What of education? By whom are school districts established? How many pupils shall be included in a district? What is the school fund? Under whose control are the districts? For how long are the Trustees elected? Who is chairman of the Board? What are the Trustees? What taxes have they a right to levy? What are their powers and duties? What is their compensation? What of the office of Justice of the Peace? How is each county divided? How many justices in each district? How long do they serve? What are the powers of a Justice of the Peace? What is the Fiscal Court? What are its duties? What is the compensation of a Justice of the Peace? For how long is a Constable elected? What are his duties? What is his compensation? Does he give a bond?

CHAPTER III.

For how long is the County Judge elected? What are his duties and powers? What is his compensation? Does he give a bond? For how long is the County Clerk elected? What are his duties? What is his compensation? Does he give a bond? For how long is the Sheriff elected? When is he ineligible for re-election? What are his duties and powers? What is his compensation? Does he give bond? For how long is the County Attorney elected? What are his duties and compensation? For how long is the Assessor elected? What are his duties and compensation? Does he give a bond? What is the Board of Supervisors? What are their duties? For how long is the County Surveyor elected? What are his duties and compensation? Does he give a bond? For how long is the Coroner elected? What are his duties and compensation? Does he give a bond? For how long is the County Superintendent elected? What are his duties and compensation? Does he give bond? What is the term of office of Circuit Court Clerk? What are his duties? His compensation, etc.? For how long is the Jailer elected? What are his duties and compensation? What of the eligibility of these officers? How are vacancies filled?

CHAPTER IV.

When are County Courts held? Are they courts of record? Who holds them? What are the powers of the County Court? What is the Fiscal Court? What are its powers? What is the Quarterly Court? Who holds it? What are its powers? What are Justices' Courts? What is a Circuit Court? What are its powers and jurisdiction? Who presides over it? Is it a court of record? How often is it held? What

are the qualifications of a Circuit Judge? For how long is he elected, and by whom? What is the compensation of the Judge of the Circuit Court? For how long is a Commonwealth's Attorney elected? Who may fill the office? What are his duties? His compensation? What is the Criminal Court? What is the Chancery Court? What is the Court of Appeals? Of how many judges is it composed, and for how long are they elected? What of its salaries? What are the qualifications of the judges? What are their duties? Compensation? How is the Clerk of the Court of Appeals elected? What are his duties? Qualifications? Compensation? How is the Reporter of the Court of Appeals elected? What are his duties? Qualifications? Compensation? How is the Sergeant of the Court of Appeals elected? What are his duties? Qualifications? Compensation?

CHAPTER V.

How many Senatorial Districts? How arranged? Who elect the Senators? Term of office? How is their election arranged? How many members of the House? When is a county entitled to more than one Representative? When does one represent several counties? How and when is the ratio fixed? Term of office? Qualifications of a Senator? Of a member of the House? What constitutes a quorum? What does each House decide? Contested election, how decided? Each House establishes what? Duties of each? Duty in reference to adjournment? Bills for Revenue originate where? Restrictions on laws passed? What proceedings are had before a bill is passed? What persons are disqualified as Senators or Representatives? What exceptions are made to this?

CHAPTER VI.

What is the Governor? With what power is he vested? For how many years is he elected? What are his qualifications? Who can not be Governor? What of his compensation? What are his powers and duties? When and for how long is the Lieutenant-Governor elected? What are his qualifications and duties? How are vacancies in the offices of Governor and Lieutenant-Governor filled? How is the Secretary of State appointed? What are his duties? For how long is the Treasurer elected? What are his duties? Does he give a bond? For how long is the Auditor elected? What are his duties? For how long is the Attorney-General elected? What are his duties and qualifications? For how long is the Register of the Land Office elected? What are his duties? For how long is the Superintendent of Public Instruction elected? What are his duties? What are the duties of the State Geologist? What are the duties of

the Commissioner of Agriculture? What are the duties of the Commissioner of Mines? What are the duties of the Adjutant-General? By whom are these officers appointed? How is the State Librarian elected? Duties? How is the State Inspector and Examiner appointed? Term of office? Duties? What is the Commissioner of Insurance? What are his duties? What are the compensations of these officers? What is the Board of Equalization? What are its duties and compensation? What are the salaries of the Auditor, Treasurer, etc.? How are vacancies filled? How many Railroad Commissioners? How elected? For how long? What are their duties?

CHAPTER VII.

What is the Bill of Rights? What are the personal rights of the citizen? What of concealed weapons? What of absolute power? Exclusive privileges? What power is inherent in the people? What of the right to abolish or alter the Government? What of religious societies? What of elections? Trial by jury? Liberty of the press? Security of the people? Rights of the accused? Twice in jeopardy, etc.? Of courts? Suspensions of the laws? Excessive bail? Imprisonment for debt? *Ex post facto* law? Define it. What of attainder? Define it. What of standing armies? Titles? Emigration? Slavery? How may amendments be proposed? How passed? How submitted for ratification? How adopted? How many amendments may be submitted at the same time? How often? How long shall proposed amendments be published before the election? How may a Convention be called? When voted upon? Of how many delegates must it consist? When elected? What notice is required before voting upon calling a Convention?

CHAPTER VIII.

What of trial by jury? How many kinds of juries are there? What are they called? What are the qualifications of a grand juryman? How many persons constitute the grand jury? What is the penalty for failure to attend as a grand juryman? When may bystanders be impaneled? How is the foreman appointed? What is the oath of the grand jury? What power have they in regard to testimony? What is an indictment? When may it be returned? By whom is it prepared? What is indorsed upon the indictment, and by whom? When may an indictment be ignored? When, and in what manner, is the accused brought to trial? What is the trial by the petit jury? Of how many persons does it consist? State the qualifications of a competent juryman? When is a person ineligible as a juryman?

Who shall not be summoned? What is the penalty for a juryman receiving a bribe, etc.? Who may not converse with the jury? Who may not be compelled to serve on a jury? How many peremptory challenges, and when? What is a challenge to the panel? What oath shall the jury take? How are juries drawn and summoned? How many persons constitute a jury in Justices' Courts? How are they summoned? When does the trial by jury begin? How is the evidence introduced? Who may make the closing argument? What if the jury fail to agree? What of a verdict in civil causes; in criminal and penal causes? What is a civil suit? What is the plaintiff; the defendant? Who may demand a petit jury? Who must pay the costs? What are equity suits? What are judgments? How are judgments enforced? What are exemptions?

CHAPTER IX.

What is the county revenue? State revenue? How is it set apart? Under whose control is it? What other taxes are collected? What property is exempt from taxation?

CHAPTER X.

What of cities and towns? What is the charter? Describe the organization. Name the offices. Duties of each?

CHAPTER XI.

What is the duty of every State or Government? What are lunatic asylums? Deaf and dumb asylum? Kentucky Institution for the Blind? Feeble-minded institute? How are they maintained and established? By whom are the Superintendents appointed? What of their salaries? What is the duty of each county in regard to its paupers? What is the power of the Fiscal Court? Of the County Judge? What is the law in reference to beggars?

CHAPTER XII.

What are the Federal Courts? What is the Supreme Court? Of how many judges does it consist? By whom are they appointed, and for how long? What of their salaries? Jurisdiction? What is the Court of Claims? Of how many judges does it consist? What of their salaries? Jurisdiction? How is the United States divided? How many District Judges in a State? By whom and for how long is the District Judge appointed? What is the jurisdiction? What of Circuit Courts?

By whom and for how long are the judges appointed? How are the Circuit Courts held? What of the salaries? Jurisdiction of the Circuit Courts? What of appeals? Practice and pleadings? What are the officers, and what are their duties and salaries? Commissioners of Circuit Courts? Their duties?

CHAPTER XIII.

Who is the President? For how long does he hold office? Who is the Vice-President? How are they elected? In case of death, etc., who becomes President? What are the qualifications of the President? What are their salaries? What is the Cabinet? By whom appointed? Describe the duties of the Secretary of State; Secretary of the Treasury; Secretary of War; Navy; Interior; Secretary of Agriculture; Postmaster-General; Attorney-General; Ambassadors, etc.; Secretary of Legation; Consuls; Comptrollers; Auditors; Commissioners of Customs; Comptroller of Currency; Commissioner of Internal Revenue; Bureau of Statistics; Bureau of the Mint; Bureau of Engraving and Printing; Supervising Architect; Adjutant-General; Quartermaster-General; Commissary-General; Paymaster-General; Surgeon-General; Chief of Engineers; Chief of Ordnance; Chief Signal Officer; Advocate-General; Coast Survey. What of the Bureau of Yards and Docks; Equipment and Recruiting; Navigation; Ordnance; Medicine and Surgery; Provisions and Clothing; Steam Engineering, and Construction and Repairs; Patent Office; Pension; Land; Indian Affairs; Office of the Census; Bureau of Education; Assistant Postmaster-General? How are Postmasters appointed?

CHAPTER XIV.

In what is the law-making power of the United States vested? What is Congress? What of the veto power? Compensation of Senators and Representatives? How long does each Congress last? How may special sessions be called? To how many Senators is each State entitled? How are they elected? For how long do they hold office? How is the election of Senators arranged? What are the qualifications of a Senator? How are Representatives elected? For how long do they hold office? How is the number of Representatives determined? What are their qualifications? What of bills for raising revenue?

CHAPTER XV.

How is the Revenue of the United States obtained? What is done with the revenue? What is the Tariff; Collectors of Customs; Internal Revenue; Collectors of Internal Revenue? What are Gaugers and Storekeepers?

CHAPTER XVI.

What is a crime or misdemeanor? What are felonies; misdemeanors? What is treason; murder; etc.? What is the punishment for each? Petit larceny; etc.? Punishment for each? Describe the principal crimes against the United States. Describe the different crimes and punishments. What is a penitentiary; a work-house?

CHAPTER XVII.

What is a political party? How many political parties exist in this country? Name them. What is a candidate? What is a nomination? What is a Convention? What is a Caucus? What is a Primary Election? What is a nominee?

CONSTITUTION OF KENTUCKY.

PREAMBLE.

We, the people of the Commonwealth of Kentucky, grateful to Almighty God for the civil, political, and religious liberties we enjoy, and invoking the continuance of these blessings, do ordain and establish this Constitution.

BILL OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and established, We Declare that:

Section 1. All men are by nature free and equal, and have certain inherent and inalienable rights, among which may be reckoned:

First: The right of enjoying and defending their lives and liberties.

Second: The right of worshiping Almighty God according to the dictates of their consciences.

Third: The right of seeking and pursuing their safety and happiness.

Fourth: The right of freely communicating their thoughts and opinions.

Fifth: The right of acquiring and protecting property.

Sixth: The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address, or remonstrance.

Seventh: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

Sec. 2. Absolute and arbitrary power over the lives, liberty, and property of freemen exists nowhere in a republic, not even in the largest majority.

Sec. 3. All men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services; but no property shall be exempt from taxation except as provided in this Constitution; and every grant of a franchise, privilege or exemption shall remain subject to revocation, alteration or amendment.

Sec. 4. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness, and the protection of property. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such a manner as they may deem proper.

SEC. 5. No preference shall ever be given by law to any religious sect, society or denomination; nor to any particular creed, mode of worship or system of ecclesiastical polity; nor shall any person be compelled to attend any place of worship, to contribute to the erection or maintenance of any such place, or to the salary or support of any minister of religion; nor shall any man be compelled to send his child to any school to which he may be conscientiously opposed; and the civil rights, privileges or capacities of no person shall be taken away, or in anywise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma or teaching. No human authority shall, in any case whatever, control or interfere with the rights of conscience.

SEC. 6. All elections shall be free and equal.

SEC. 7. The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.

SEC. 8. Printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or any branch of government, and no law shall ever be made to restrain the right thereof. Every person may freely and fully speak, write, and print on any subject, being responsible for the abuse of that liberty.

SEC. 9. In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have the right to determine the law and facts, under the direction of the court, as in other cases.

SEC. 10. The people shall be secure in their persons, houses, papers, and possessions from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

SEC. 11. In all criminal prosecutions the accused has the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor. He can not be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land; and in prosecutions by indictments or information, he shall have a speedy public trial by an impartial jury of the vicinage; but the General Assembly may provide by a general law for a change of venue in such prosecutions for both the defendant and the Commonwealth, the change to be made to the most convenient county in which a fair trial can be obtained.

SEC. 12. No person, for an indictable offense, shall be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, or by leave of court for oppression or misdemeanor in office.

SEC. 13. No person shall, for the same offense, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

SEC. 14. All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 15. No power to suspend laws shall be exercised, unless by the General Assembly or its authority.

SEC. 16. All prisoners shall be bailable by sufficient securities, unless for capital offenses when the proof is evident or the presumption great; and the privileges of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

SEC. 17. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

SEC. 18. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such a manner as shall be prescribed by law.

SEC. 19. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be enacted.

SEC. 20. No person shall be attainted of treason or felony by the General Assembly, and no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

SEC. 21. The estates of such persons as shall destroy their own lives shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SEC. 22. No standing army shall, in time of peace, be maintained without the consent of the General Assembly; and the military shall, in all cases and at all times, be in strict subordination to the civil power; nor shall any soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.

SEC. 23. The General Assembly shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer time than a term of years.

SEC. 24. Emigration from the State shall not be prohibited.

SEC. 25. Slavery and involuntary servitude in this State are forbidden, except as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 26. To guard against transgression of the high powers which we have delegated, WE DECLARE that every thing in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or contrary to this Constitution, shall be void.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

SEC. 27. The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

SEC. 28. No person or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

SEC. 29. The legislative power shall be vested in a House of Representatives and a Senate, which together shall be styled the "General Assembly of the Commonwealth of Kentucky."

SEC. 30. Members of the House of Representatives and Senators elected at the August election in one thousand eight hundred and ninety-one, and Senators then holding over, shall continue in office until and including the last day of December, one thousand eight hundred and ninety-three. Thereafter the term of office of Representatives and Senators shall begin upon the first day of January of the year succeeding their election.

SEC. 31. At the general election in the year one thousand eight hundred and ninety-three one Senator shall be elected in each Senatorial District, and one Representative in each Representative District. The Senators then elected shall hold their offices one half for two years and one half for four years, as shall be determined by lot at the first session of the General Assembly after their election, and the Representatives shall hold their offices for two years. Every two years thereafter there shall be elected for four years one Senator in each Senatorial District in which the term of his predecessor in office will then expire, and in every Representative District one Representative for two years.

SEC. 32. No person shall be a Representative who, at the time of his election, is not a citizen of Kentucky, has not attained the age of twenty-four years, and who has not resided in this State two years next preceding his election, and the last year thereof in the county, town or city for which he may be chosen. No person shall be a Senator who, at the time of his election, is not a citizen of Kentucky, has not attained the age of thirty years, and has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

SEC. 33. The first General Assembly after the adoption of this Constitution shall divide the State into thirty-eight Senatorial Districts, and one hundred Representative Districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the Senatorial and Representative Districts for ten years. Not more than two counties shall be joined together to form a Representative District: *Provided*, In doing so the principle requiring every district to be as nearly equal in population as may be shall not be violated. At the expiration of that time, the General Assembly shall then, and every ten years thereafter, redistrict the State according to this rule, and for the purposes expressed in this section. If, in making said districts, inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous.

SEC. 34. The House of Representatives shall choose its Speaker and other officers, and the Senate shall have power to choose its officers biennially.

SEC. 35. The number of Representatives shall be one hundred, and the number of Senators thirty-eight.

SEC. 36. The first General Assembly, the members of which shall be elected under this Constitution, shall meet on the first Tuesday after the first Monday in January, eighteen hundred and ninety-four, and thereafter the General Assembly shall meet on the same day every second year, and its sessions shall be held at the seat of government, except in case of war, insurrection or pestilence, when it may, by proclamation of the Governor, assemble for the time being elsewhere.

SEC. 37. Not less than a majority of the members of each House of the General Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members in such a manner and under such penalties as may be prescribed by law.

SEC. 38. Each House of the General Assembly shall judge of the qualifications, elections and returns of its members, but a contested election shall be determined in such a manner as shall be directed by law.

SEC. 39. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two thirds, expel a member, but not a second time for the same cause, and may punish for contempt any person who refuses to attend as a witness, or to bring any paper proper to be used as evidence before the General Assembly, or either House thereof, or a Committee of either, or to testify concerning any matter which may be a proper subject of inquiry by the General Assembly, or offers or gives a bribe to a member of the General Assembly, or attempts by other corrupt means or device to control or influence a member to cast his vote or withhold the same. The punishment and mode of proceeding for contempt in such cases shall be prescribed by law, but the term of imprisonment in any such case shall not extend beyond the session of the General Assembly.

SEC. 40. Each House of the General Assembly shall keep and publish daily a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of the members elected, be entered on the journal.

SEC. 41. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

SEC. 42. The members of the General Assembly shall severally receive from the State Treasury compensation for their services, which shall be five dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going to and returning from, the sessions of their respective Houses: *Provided*, The same may be changed by law; but no change shall take effect during the session at which it is made; nor shall a session of the General Assembly continue beyond sixty legislative days, exclusive of Sundays and legal holidays; but this limitation as to length of session shall not apply to the first session held under this Constitution, nor to the Senate when sitting as a court of impeachment. A legislative day shall be construed to mean a calendar day.

SEC. 43. The members of the General Assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance on the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

SEC. 44. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit in this Commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the said term, except to such offices as may be filled by the election of the people.

SEC. 45. No person who may have been a collector of taxes or public moneys for the Commonwealth, or for any county, city, town or district, or the assistant or deputy of such collector, shall be eligible to the General Assembly, unless he shall have obtained a quietus six months before the election for the amount of such collection, and for all public moneys for which he may have been responsible.

SEC. 46. No bill shall be considered for final passage, unless the same has been reported by a Committee and printed for the use of the members. Every bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending. But whenever a Committee refuses or fails to report a bill submitted to it in a reasonable time, the same may be called up by any member, and be considered in the same manner it would have been considered if it had been reported. No bill shall become a law unless, on its final passage, it receives the votes of at least two fifths of the members elected to each House, and a majority of the members voting, the vote to be taken by yeas and nays and entered in the journal: *Provided*, Any act or resolution for the appropriation of money or the creation of debt shall, on its final passage, receive the votes of a majority of all the members elected to each House.

SEC. 47. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments thereto: *Provided*, No new matter shall be introduced, under color of amendment, which does not relate to raising revenue.

SEC. 48. The General Assembly shall have no power to enact laws to diminish the resources of the Sinking Fund as now established by law until the debt of the Commonwealth be paid, but may enact laws to increase them; and the whole resources of said fund, from year to year, shall be sacredly set apart and applied to the payment of the interest and principal of the State debt, and to no other use or purpose, until the whole debt of the State is fully satisfied.

SEC. 49. The General Assembly may contract debts to meet casual deficits or failures in the revenue; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars, and the moneys arising from loans creating such debts shall be applied only to the purpose or purposes for which they were obtained, or to repay such debts: *Provided*, The General Assembly may contract debts to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense.

SEC. 50. No act of the General Assembly shall authorize any debt to be contracted on the behalf of the Commonwealth except for the purposes mentioned in section forty-nine, unless provision be made therein to levy and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years; nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it: *Provided*, The General Assembly may contract debts by borrowing money to pay any part of the debt of the State, without submission to the people, and without making provision in the act authorizing the same for a tax to discharge the debt so contracted, or the interest thereon.

SEC. 51. No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title, and no law shall be revised, amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revised, amended, extended or conferred, shall be re-enacted and published at length.

SEC. 52. The General Assembly shall have no power to release, extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness or liability of any corporation or individual to this Commonwealth, or to any county or municipality thereof.

SEC. 53. The General Assembly shall provide by law for monthly investigations into the accounts of the Treasurer and Auditor of Public Accounts, and the result of these investigations shall be reported to the Governor, and these reports shall be semi-annually published in two newspapers of general circulation in the State. The reports received by the Governor shall, at the beginning of each session, be transmitted by him to the General Assembly for scrutiny and appropriate action.

SEC. 54. The General Assembly shall have no power to limit the amount to be recovered for injuries resulting in death, or for injuries to person or property.

SEC. 55. No act, except general appropriation bills, shall become a law until ninety days after the adjournment of the session at which it was passed, except in cases of emergency, when, by the concurrence of a majority of the members elected to each House of the General Assembly, by a yea and nay vote entered upon their journals, an act may become a law when approved by the Governor; but the reasons for the emergency that justifies this action must be set out at length in the journal of each House.

SEC. 56. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two Houses in open session; and before such officer shall have affixed his signature to any bill, he shall suspend all other business, declare that such bill will now be read, and that he will sign the same to the end that it may become a law. The bill shall then be read at length and compared; and, if correctly enrolled, he shall, in presence of the House in open session, and before any other business is entertained, affix his signature, which fact shall be noted in the journal, and the bill immediately sent to the other House. When it reaches the other House, the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceeding shall thereupon be observed in every

respect as in the House in which it was first signed. And thereupon the Clerk of the latter House shall immediately present the same to the Governor for his signature and approval.

SEC. 57. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon upon pain of expulsion.

SEC. 58. The General Assembly shall neither audit nor allow any private claim against the Commonwealth, except for expenses incurred during the session at which the same was allowed; but may appropriate money to pay such claim as shall have been audited and allowed according to law.

LOCAL AND SPECIAL LEGISLATION.

SEC. 59. The General Assembly shall not pass local or special acts concerning any of the following subjects, or for any of the following purposes, namely:

First: To regulate the jurisdiction or the practice or the circuits of courts of justice, or the rights, powers, duties or compensation of the officers thereof; but the practice in circuit courts in continuous session may, by a general law, be made different from the practice of circuit courts held in terms.

Second: To regulate the summoning, impaneling or compensation of grand or petit jurors.

Third: To provide for changes of venue in civil or criminal causes.

Fourth: To regulate the punishment of crimes and misdemeanors, or to remit fines, penalties or forfeitures.

Fifth: To regulate the limitation of civil or criminal causes.

Sixth: To affect the estate of *cestuis que trust*, decedents, infants or other persons under disabilities, or to authorize any such persons to sell, lease, encumber or dispose of their property.

Seventh: To declare any person of age, or to relieve an infant or *feme covert* of disability, or to enable him to do acts allowed only to adults not under disabilities.

Eighth: To change the law of descent, distribution or succession.

Ninth: To authorize the adoption or legitimation of children.

Tenth: To grant divorces.

Eleventh: To change the names of persons.

Twelfth: To give effect to invalid deeds, wills or other instruments.

Thirteenth: To legalize, except as against the Commonwealth, the unauthorized or invalid act of any officer or public agent of the Commonwealth, or of any city, county or municipality thereof.

Fourteenth: To refund money legally paid into the State Treasury.

Fifteenth: To authorize or to regulate the levy, the assessment or the collection of taxes, or to give any indulgence or discharge to any assessor or collector of taxes, or to his sureties.

Sixteenth: To authorize the opening, altering, maintaining or vacating roads, highways, streets, alleys, town plats, cemeteries, graveyards, or public grounds not owned by the Commonwealth.

Seventeenth: To grant a charter to any corporation, or to amend the charter of any existing corporation; to license companies or persons to

own or operate ferries, bridges, roads or turnpikes; to declare streams navigable, or to authorize the construction of booms or dams therein, or to remove obstructions therefrom; to affect toll-gates, or to regulate tolls; to regulate fencing or the running at large of stock.

Eighteenth: To create, to increase or decrease fees, percentages or allowances to public officers, or to extend the time for the collection thereof, or to authorize officers to appoint deputies.

Nineteenth: To give any person or corporation the right to lay a railroad track or tramway, or to amend existing charters for such purposes.

Twentieth: To provide for conducting elections, or for designating the places of voting, or changing the boundaries of wards, precincts or districts, except when new counties may be created.

Twenty-first: To regulate the rate of interest.

Twenty-second: To authorize the creation, extension, enforcement, impairment or release of liens.

Twenty-third: To provide for the protection of game and fish.

Twenty-fourth: To regulate labor, trade, mining or manufacturing.

Twenty-fifth: To provide for the management of common schools.

Twenty-sixth: To locate or change a county seat.

Twenty-seventh: To provide a means of taking the sense of the people of any city, town, district, precinct, or county, whether they wish to authorize, regulate or prohibit therein the sale of vinous, spirituous or malt liquors, or alter the liquor laws.

Twenty-eighth: Restoring to citizenship persons convicted of infamous crimes.

Twenty-ninth: In all other cases where a general law can be made applicable no special law shall be enacted.

SEC. 60. The General Assembly shall not indirectly enact any special or local act by the repeal in part of a general act, or by exempting from the operation of a general act any city, town, district or county; but laws repealing local or special acts may be enacted. No law shall be enacted granting powers or privileges in any case where the granting of such powers or privileges shall have been provided for by a general law, nor where the Courts have jurisdiction to grant the same or to give the relief asked for. No law, except such as relates to the sale, loan or gift of vinous, spirituous or malt liquors, bridges, turnpikes or other public roads, public buildings or improvements, fencing, running at large of stock, matters pertaining to common schools, paupers, and the regulation by counties, cities, towns or other municipalities of their local affairs, shall be enacted to take effect upon the approval of any other authority than the General Assembly, unless otherwise expressly provided in this Constitution.

SEC. 61. The General Assembly shall, by general law, provide a means whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned therein, or the sale thereof regulated. But nothing herein shall be construed to interfere with or to repeal any law in force relating to the sale or gift of such liquors. All elections on this question may be held on a day other than the regular election days.

SEC. 62. The style of the laws of this Commonwealth shall be as follows: "Be it enacted by the General Assembly of the Commonwealth of Kentucky."

COUNTIES AND COUNTY SEATS.

SEC. 63. No new county shall be created by the General Assembly which will reduce the county or counties, or either of them, from which it shall be taken to less area than four hundred square miles; nor shall any county be formed of less area; nor shall any boundary line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided. Nothing contained herein shall prevent the General Assembly from abolishing any county.

SEC. 64. No county shall be divided, or have any part stricken therefrom, except in the formation of new counties, without submitting the question to a vote of the people of the county, nor unless the majority of all the legal voters of the county voting on the question shall vote for the same. The county seat of no county as now located, or as may hereafter be located, shall be moved, except upon a vote of two thirds of those voting; nor shall any new county be established which will reduce any county to less than twelve thousand inhabitants, nor shall any county be created containing a less population.

SEC. 65. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be bound for its proportion of the indebtedness of the county from which it has been taken.

IMPEACHMENTS.

SEC. 66. The House of Representatives shall have the sole power of impeachment.

SEC. 67. All impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two thirds of the Senators present.

SEC. 68. The Governor and all civil officers shall be liable to impeachment for any misdemeanors in office; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit under this Commonwealth; but the party convicted shall, nevertheless, be subject and liable to indictment, trial, and punishment by law.

THE EXECUTIVE DEPARTMENT.

OFFICERS FOR THE STATE AT LARGE.

SEC. 69. The supreme executive power of the Commonwealth shall be vested in a Chief Magistrate, who shall be styled the "Governor of the Commonwealth of Kentucky."

SEC. 70. He shall be elected for the term of four years by the qualified voters of the State. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, the election shall be determined by lot in such manner as the General Assembly may direct.

SEC. 71. He shall be ineligible for the succeeding four years after the expiration of the term for which he shall have been elected.

SEC. 72. He shall be at least thirty years of age, and have been a citizen and resident of Kentucky for at least six years next preceding his election.

SEC. 73. He shall commence the execution of the duties of his office on the fifth Tuesday succeeding his election, and shall continue in the execution thereof until his successor shall have qualified.

SEC. 74. He shall at stated times receive for his services a compensation to be fixed by law.

SEC. 75. He shall be Commander-in-Chief of the army and navy of this Commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless advised so to do by a resolution of the General Assembly.

SEC. 76. He shall have the power, except as otherwise provided in this Constitution, to fill vacancies by granting commissions, which shall expire when such vacancies shall have been filled according to the provisions of the Constitution.

SEC. 77. He shall have power to remit fines and forfeitures, commute sentences, grant reprieves and pardons, except in case of impeachment, and he shall file with each application therefor a statement of the reasons for his decision thereon, which application and statement shall always be open to public inspection. In cases of treason he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be be vested; but he shall have no power to remit the fees of the Clerk, Sheriff, or Commonwealth's Attorney in penal or criminal cases.

SEC. 78. He may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

SEC. 79. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem expedient.

SEC. 80. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that should have become dangerous from an enemy or from contagious diseases. In case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months. When he shall convene the General Assembly it shall be by proclamation, stating the subjects to be considered, and no others shall be considered.

SEC. 81. He shall take care that the laws be faithfully executed.

SEC. 82. A Lieutenant-Governor shall be chosen at every regular election for Governor, in the same manner, to continue in office for the same time, and possess the same qualifications as the Governor. He shall be ineligible to the office of Lieutenant-Governor for the succeeding four years after the expiration of the term for which he shall have been elected.

SEC. 83. He shall, by virtue of his office, be President of the Senate, have a right, when in Committee of the Whole, to debate and vote on all subjects, and when the Senate is equally divided, to give the casting vote.

SEC. 84. Should the Governor be impeached and removed from office, die, refuse to qualify, resign, be absent from the State, or be from any cause unable to discharge the duties of his office, the Lieutenant-Governor shall exercise all the power and authority appertaining to the office of Governor until another be duly elected and qualified, or the Governor shall return or be able to discharge the duties of his office. On the trial of the Governor, the Lieutenant-Governor shall not act as President of the Senate or take part in the proceedings, but the Chief Justice of the Court of Appeals shall preside during the trial.

SEC. 85. A President *pro tempore* of the Senate shall be elected by each Senate as soon after its organization as possible, the Lieutenant-Governor vacating his seat as President of the Senate until such election shall be made; and as often as there is a vacancy in the office of President *pro tempore*, another President *pro tempore* of the Senate shall be elected by the Senate, if in session. And if, during the vacancy of the office of Governor, the Lieutenant-Governor shall be impeached and removed from office, refuse to qualify, resign, die or be absent from the State, the President *pro tempore* of the Senate shall in like manner administer the government: *Provided*, Whenever a vacancy shall occur in the office of Governor before the first two years of the term shall have expired, a new election for Governor shall take place to fill such vacancy.

SEC. 86. The Lieutenant-Governor, or President *pro tempore* of the Senate, while he acts as President of the Senate, shall receive for his services the same compensation which shall for the same period be allowed to the Speaker of the House of Representatives, and during the time he administers the government as Governor he shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

SEC. 87. If the Lieutenant-Governor shall be called upon to administer the Government, and shall, while in such administration, resign, die, or be absent from the State during the recess of the General Assembly, if there be no President *pro tempore* of the Senate, it shall be the duty of the Secretary of State, for the time being, to convene the Senate for the purpose of choosing a President; and until a President is chosen the Secretary of State shall administer the government. If there be no Secretary of State to perform the duties devolved upon him by this section, or in case that officer be absent from the State, then the Attorney-General, for the time being, shall convene the Senate for the purpose of choosing a President, and shall administer the government until a President is chosen.

SEC. 88. Every bill which shall have passed the two Houses shall be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the objections in full upon its journal, and proceed to reconsider it. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be considered, and if approved by a majority of all the members elected to that House, it shall be a law; but in such case the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the

journal of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless disapproved by him within ten days after the adjournment, in which case his veto message shall be spread upon the register kept by the Secretary of State. The Governor shall have power to disapprove any part or parts of appropriation bills embracing distinct items, and the part or parts disapproved shall not become a law unless reconsidered and passed, as in case of a bill.

SEC. 89. Every order, resolution or vote, in which the concurrence of both Houses may be necessary, except on a question of adjournment, or as otherwise provided in this Constitution, shall be presented to the Governor, and, before it shall take effect, be approved by him; or being disapproved, shall be repassed by a majority of the members elected to both Houses, according to the rules and limitations prescribed in case of a bill.

SEC. 90. Contested elections for Governor and Lieutenant-Governor shall be determined by both Houses of the General Assembly, according to such regulations as may be established by law.

SEC. 91. A Treasurer, Auditor of Public Accounts, Register of the Land Office, Commissioner of Agriculture, Labor and Statistics, Secretary of State, Attorney-General and Superintendent of Public Instruction shall be elected by the qualified voters of the State at the same time the Governor is elected, for the term of four years, each of whom shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election. The duties of all these officers shall be such as may be prescribed by law, and the Secretary of State shall keep a fair register of and attest all the official acts of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto before either House of the General Assembly. The officers named in this section shall enter upon the discharge of their duties the first Monday in January after their election, and shall hold their offices until their successors are elected and qualified.

SEC. 92. The Attorney-General shall have been a practicing lawyer eight years before his election.

SEC. 93. The Treasurer, Auditor of Public Accounts, Secretary of State, Commissioner of Agriculture, Labor and Statistics, Attorney-General, Superintendent of Public Instruction, and Register of the Land Office shall be ineligible to re-election for the succeeding four years after the expiration of the term for which they shall have been elected. The duties and responsibilities of these officers shall be prescribed by law, and all fees collected by any of said officers shall be covered into the treasury. Inferior State officers, not specifically provided for in this Constitution, may be appointed or elected, in such manner as may be prescribed by law, for a term not exceeding four years, and until their successors are appointed or elected and qualified.

SEC. 94. The General Assembly may provide for the abolishment of the office of the Register of the Land Office, to take effect at the end of any term, and shall provide by law for the custody and preservation of the papers and records of said office, if the same be abolished.

SEC. 95. The election under this Constitution for Governor, Lieutenant-Governor, Treasurer, Auditor of Public Accounts, Register of the Land Office, Attorney-General, Secretary of State, Superintendent of Public Instruction, and Commissioner of Agriculture, Labor and Statistics, shall be held on the first Tuesday after the first Monday in November, eighteen hundred and ninety-five, and the same day every four years thereafter.

SEC. 96. All the officers mentioned in section ninety-five shall be paid for their services by salary, and not otherwise.

OFFICERS FOR DISTRICTS AND COUNTIES.

SEC. 97. At the general election in eighteen hundred and ninety-two there shall be elected in each circuit court district a Commonwealth's Attorney, and in each county a Clerk of the Circuit Court, who shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and shall hold their offices five years, and until their successors are elected and qualified. In the year eighteen hundred and ninety-seven, and every six years thereafter, there shall be an election in each county for a Circuit Court Clerk and for a Commonwealth's Attorney in each circuit court district, unless that office be abolished, who shall hold their respective offices for six years from the first Monday in January after their election, and until the election and qualification of their successors.

SEC. 98. The compensation of the Commonwealth's Attorney shall be by salary and such percentage of fines and forfeitures as may be fixed by law, and such salary shall be uniform in so far as the same shall be paid out of the State treasury, and not to exceed the sum of five hundred dollars per annum; but any county may make additional compensation, to be paid by said county. Should any percentage of fines and forfeitures be allowed by law, it shall not be paid except upon such proportion of the fines and forfeitures as have been collected and paid into the State treasury, and not until so collected and paid.

SEC. 99. There shall be elected in eighteen hundred and ninety-four in each county a Judge of the County Court, a County Court Clerk, a County Attorney, Sheriff, Jailer, Coroner, Surveyor and Assessor, and in each justice's district one Justice of the Peace and one Constable, who shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and continue in office three years, and until the election and qualification of their successors; and in eighteen hundred and ninety-seven, and every four years thereafter, there shall be an election in each county of the officers mentioned, who shall hold their offices four years (from the first Monday in January after their election), and until the election and qualification of their successors. The first election of Sheriffs under this Constitution shall be held in eighteen hundred and ninety-two, and the Sheriffs then elected shall hold their offices two years, and until the election and qualification of their successors. The Sheriffs now in office for their first term shall be eligible to re-election in eighteen hundred and ninety-two, and those elected in eighteen hundred and ninety-two for the first term shall be eligible to re-election in eighteen hundred and ninety-four, but thereafter no sheriff shall be eligible to re-election or to act as deputy for the succeeding term.

SEC. 100. No person shall be eligible to the offices mentioned in sections ninety-seven and ninety-nine who is not at the time of his election twenty-four years of age (except Clerks of County and Circuit Courts, who shall be twenty-one years of age), a citizen of Kentucky, and who has not resided in the State two years, and one year next preceding his election in the county and district in which he is a candidate. No person shall be eligible to the office of Commonwealth's Attorney unless he shall have been a licensed practicing lawyer four years. No person shall be eligible to the office of County Attorney unless he shall have been a licensed practicing lawyer two years. No person shall be eligible to the office of Clerk unless he shall have procured from a Judge of the Court of Appeals, or a Judge of a Circuit Court, a certificate that he has been examined by the Clerk of his Court under his supervision, and that he is qualified for the office for which he is a candidate.

SEC. 101. Constables shall possess the same qualifications as sheriffs, and their jurisdiction shall be co-extensive with the counties in which they reside. Constables now in office shall continue in office until their successors are elected and qualified.

SEC. 102. When a new county shall be created, officers for the same, to serve until the next regular election, shall be elected or appointed in such way and at such times as the General Assembly may prescribe.

SEC. 103. The Judges of County Courts, Clerks, Sheriffs, Surveyors, Coroners, Jailers, Constables, and such other officers as the General Assembly may from time to time require, shall, before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as may be prescribed by law.

SEC. 104. The General Assembly may abolish the office of Assessor and provide that the assessment of property shall be made by other officers, but it shall have power to re-establish the office of Assessor and prescribe his duties. No person shall be eligible to the office of Assessor two consecutive terms.

SEC. 105. The General Assembly may at any time consolidate the offices of Jailer and Sheriff in any county or counties, as it shall deem most expedient; but in the event such consolidation be made, the office of Sheriff shall be retained, and the Sheriff shall be required to perform the duties of Jailer.

SEC. 106. The fees of county officers shall be regulated by law. In counties or cities having a population of seventy-five thousand or more, the Clerks of the respective courts thereof (except the Clerk of the City Court), the Marshals, the Sheriffs, and the Jailers shall be paid out of the State Treasury, by salary to be fixed by law, the salaries of said officers and of their deputies and necessary office expenses not to exceed seventy-five per centum of the fees collected by said officers respectively, and paid into the treasury.

SEC. 107. The General Assembly may provide for election or appointment, for a term not exceeding four years, of such other county or district ministerial and executive officers as may from time to time be necessary.

SEC. 108. The General Assembly may, at any time after the expiration of six years from the adoption of this Constitution, abolish the office of Commonwealth's Attorney, to take effect upon the expiration of the terms of the incumbents, in which event the duties of said office shall be discharged by the County Attorneys.

THE JUDICIAL DEPARTMENT.

SEC. 109. The judicial power of the Commonwealth, both as to matters of law and equity, shall be vested in the Senate when sitting as a court of impeachment, and one Supreme Court (to be styled the Court of Appeals), and the courts established by this Constitution.

COURT OF APPEALS.

SEC. 110. The Court of Appeals shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations not repugnant to this Constitution as may from time to time be prescribed by law. Said court shall have power to issue such writs as may be necessary to give it a general control of inferior jurisdictions.

SEC. 111. The Court of Appeals shall be held at the seat of government; but if that shall become dangerous, in case of war, insurrection or pestilence, it may adjourn to meet and transact its business at such other place in the State as it may deem expedient for the time being.

SEC. 112. The Judges of the Court of Appeals shall severally hold their offices for the term of eight years, commencing on the first Monday in January next succeeding their respective elections, and until their several successors are qualified, subject to the conditions hereinafter prescribed. For any reasonable cause the Governor shall remove them, or any one or more of them, on the address of two thirds of each House of the General Assembly. The cause or causes for which said removal shall be required shall be stated at length in such address and in the journal of each House. They shall at stated times receive for their services an adequate compensation, to be fixed by law.

SEC. 113. The Court of Appeals shall, after eighteen hundred and ninety-four, consist of not less than five nor more than seven Judges. They shall severally, by virtue of their office, be conservators of the peace throughout the State, and shall be commissioned by the Governor.

SEC. 114. No person shall be eligible to election as a Judge of the Court of Appeals who is not a citizen of Kentucky, and has not resided in this State five years and in the district in which he is elected two years next preceding his election, and who is less than thirty-five years of age, and has not been a practicing lawyer eight years, or whose services upon the bench of a Circuit Court or court of similar jurisdiction, when added to the time he may have practiced law, shall not be equal to eight years.

SEC. 115. The present Judges of the Court of Appeals shall hold their offices until their respective terms expire, and until their several successors shall be qualified; and at the regular election next preceding the expiration of the term of each of the present Judges his successor shall be elected. The General Assembly shall, before the regular election in eighteen hundred and ninety-four, provide for the election of such Judges of the Court of Appeals, not less than five nor exceeding seven, as may be necessary; and if less than seven Judges be provided for, the General Assembly may at any time increase the number to seven.

SEC. 116. The Judges of the Court of Appeals shall be elected by districts. The General Assembly shall, before the regular election in

eighteen hundred and ninety-four, divide the State, by counties, into as many districts, as nearly equal in population and as compact in form as possible, as it may provide shall be the number of Judges of the Court of Appeals; and it may, every ten years thereafter, or when the number of Judges requires it, redistrict the State in like manner. Upon the creation of new or additional districts, the General Assembly shall designate the year in which the first election for a Judge of the Court of Appeals shall be held in each district, so that not more than the number of Judges provided for shall be elected, and that no Judge may be deprived of his office until the expiration of the term for which he was elected.

SEC. 117. A majority of the Judges of the Court of Appeals shall constitute a quorum for the transaction of business, but in the event as many as two decline, on account of interest or for other reason, to preside in the trial of any cause, the Governor, on that fact being certified to him by the Chief Justice, shall appoint to try the particular cause a sufficient number of Judges to constitute a full Court. The Judges so appointed shall possess the qualifications prescribed for Judges of the Court of Appeals, and receive the same compensation proportioned to the length of service.

SEC. 118. The Judge longest in commission as Judge of the Court of Appeals shall be Chief Justice, and if the term of service of two or more Judges be the same, they shall determine by lot which of their number shall be Chief Justice. The Court shall prescribe by rule that petitions for rehearing shall be considered by a Judge who did not deliver the opinion in the case; and the Court, if composed of seven Judges, shall divide itself into sections for the transaction of business, if, in the judgment of the Court, such arrangement is necessary.

SEC. 119. The Superior Court shall continue until the terms of the present Judges of said Court expire, and upon the expiration of their terms, all causes pending before the Superior Court shall be transferred to the Court of Appeals and be determined by it.

SEC. 120. The present Clerk of the Court of Appeals shall serve until the expiration of the term for which he was elected, and until his successor is elected and qualified. At the election in the year eighteen hundred and ninety-seven there shall be elected by the qualified voters of the State a Clerk of the Court of Appeals, who shall take his office the first Monday in September, eighteen hundred and ninety-eight, and who shall hold his office until the regular election in nineteen hundred and three, and until his successor shall be elected and qualified. In nineteen hundred and three and thereafter, the Clerk of the Court of Appeals shall be elected at the same time as the Governor for the term of four years; and the said Clerk shall take his office on the first Monday in January following his election, and shall hold his office until his successor is elected and qualified. The Clerk shall be ineligible for the succeeding term.

SEC. 121. No person shall be eligible to the office of Clerk of the Court of Appeals unless he is a citizen of Kentucky, a resident thereof for two years next preceding his election, of the age of twenty-one years, and have a certificate from a Judge of the Court of Appeals that he has been examined by him, or by the Clerk of his Court under his supervision, and that he is qualified for the office.

SEC. 122. Should a vacancy occur in the office of the Clerk of the Court of Appeals, or should the Clerk be under charges, the Court of Appeals shall have power to appoint a Clerk until the vacancy be filled as provided in this Constitution, or until the Clerk be acquitted.

SEC. 123. The style of process shall be, "The Commonwealth of Kentucky." All prosecutions shall be carried on in the name and by the authority of the "Commonwealth of Kentucky," and conclude "against the peace and dignity" of the same.

SEC. 124. The Clerks of the Court of Appeals, Circuit and County Courts, shall be removable from office by the Court of Appeals, upon information and good cause shown. The Court shall be judge of the facts as well as the law. Two thirds of the members present must concur in the sentence.

CIRCUIT COURTS.

SEC. 125. A Circuit Court shall be established in each county now existing, or which may hereafter be created, in this Commonwealth.

SEC. 126. The jurisdiction of said Court shall be and remain as now established, hereby giving to the General Assembly the power to change it.

SEC. 127. The right to appeal or sue out a writ of error shall remain as it now exists until altered by law, hereby giving to the General Assembly the power to change or modify said right.

SEC. 128. At its first session after the adoption of this Constitution, the General Assembly, having due regard to territory, business and population, shall divide the State into a sufficient number of judicial districts to carry into effect the provisions of this Constitution concerning Circuit Courts. In making such apportionment no county shall be divided, and the number of said districts, excluding those in counties having a population of one hundred and fifty thousand, shall not exceed one district for each sixty thousand of the population of the entire State.

SEC. 129. The General Assembly shall, at the same time the judicial districts are laid off, direct elections to be held in each district to elect a Judge therein. The first election of Judges of the Circuit Courts under this Constitution shall take place at the annual election in the year eighteen hundred and ninety two, and the Judges then elected shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and hold their offices five years, and until their successors are elected and qualified. At the general election in eighteen hundred and ninety-seven, and every six years thereafter, there shall be an election for Judges of the Circuit Courts, who shall hold their offices for six years from the first Monday in January succeeding their election. They shall be commissioned by the Governor, and continue in office until their successors shall have been qualified, but shall be removable in the same manner as the Judges of the Court of Appeals. The removal of a Judge from his district shall vacate his office.

SEC. 130. No person shall be eligible as Judge of the Circuit Court who is less than thirty-five years of age when elected, who is not a citizen of Kentucky, and a resident of the district in which he may be a candidate two years next preceding his election, and who has not been a practicing lawyer eight years.

SEC. 131. There shall be at least three regular terms of Circuit Court held in each county every year.

SEC. 132. The General Assembly, when deemed necessary, may establish additional districts; but the whole number of districts, exclusive of counties having a population of one hundred and fifty thousand, shall not exceed at any time one for every sixty thousand of population of the State according to the last enumeration.

SEC. 133. The Judges of the Circuit Court shall, at stated times, receive for their services an adequate compensation to be fixed by law, which shall be equal and uniform throughout the State, so far as the same shall be paid out of the State Treasury.

SEC. 134. The Judicial Districts of the State shall not be changed except at the first session after an enumeration, unless upon the establishment of a new district.

SEC. 135. No courts, save those provided for in this Constitution, shall be established.

SEC. 136. The General Assembly shall provide by law for holding Circuit Courts when, from any cause, the Judge shall fail to attend, or, if in attendance, can not properly preside.

SEC. 137. Each county having a population of one hundred and fifty thousand or over shall constitute a district, which shall be entitled to four Judges. Additional Judges for said district may, from time to time, be authorized by the General Assembly, but not to exceed one Judge for each increase of forty thousand of population in said county, to be ascertained by the last enumeration. Each of the Judges in such a district shall hold a separate court, except when a general term may be held for the purpose of making rules of court, or as may be required by law: *Provided*, No general term shall have power to review any order, decision or proceeding of any branch of the Court in said district made in separate term. There shall be one clerk for such district who shall be known as the Clerk of the Circuit Court. Criminal causes shall be under the exclusive jurisdiction of some one branch of said Court, and all other litigation in said district, of which the Circuit Court may have jurisdiction, shall be distributed as equally as may be between the other branches thereof, in accordance with the rules of the Court made in general term or as may be prescribed by law.

SEC. 138. Each county having a city of twenty thousand inhabitants, and a population, including said city, of forty thousand or more, may constitute a district, and when its population reaches seventy-five thousand the General Assembly may provide that it shall have an additional Judge, and such district may have a Judge for each additional fifty thousand population above one hundred thousand. And in such counties the General Assembly shall, by proper laws, direct in what manner the Court shall be held and the business therein conducted.

QUARTERLY COURTS.

SEC. 139. There shall be established in each county now existing, or which may be hereafter created, in this State, a court, to be styled the Quarterly Court, the jurisdiction of which shall be uniform throughout the State, and shall be regulated by a general law, and, until changed,

shall be the same as that now vested by law in the Quarterly Courts of this Commonwealth. The Judges of the County Court shall be the Judges of the Quarterly Courts.

COUNTY COURTS.

SEC. 140. There shall be established in each county now existing, or which may be hereafter created, in this State, a court, to be styled the County Court, to consist of a Judge, who shall be a conservator of the peace, and shall receive such compensation for his services as may be prescribed by law. He shall be commissioned by the Governor, and shall vacate his office by removal from the county in which he may have been elected.

SEC. 141. The jurisdiction of the County Court shall be uniform throughout the State, and shall be regulated by general law, and, until changed, shall be the same as now vested in the County Courts of this State by law.

JUSTICES' COURTS.

SEC. 142. Each county now existing, or which may hereafter be created, in this State, shall be laid off into districts in such manner as the General Assembly may direct; but no county shall have less than three nor more than eight districts, in each of which districts one Justice of the Peace shall be elected as provided in section ninety-nine. The General Assembly shall make provisions for regulating the number of said districts from time to time within the limits herein prescribed, and for fixing the boundaries thereof. The jurisdiction of Justices of the Peace shall be co-extensive with the county, and shall be equal and uniform throughout the State. Justices of the Peace shall be conservators of the peace. They shall be commissioned by the Governor, and shall vacate their offices by removal from the districts, respectively, in which they may have been elected.

POLICE COURTS.

SEC. 143. A Police Court may be established in each city and town in this State, with jurisdiction in cases of violation of municipal ordinances and by-laws occurring within the corporate limits of the city or town in which it is established, and such criminal jurisdiction within the said limits as Justices of the Peace have. The said courts may be authorized to act as examining courts, but shall have no civil jurisdiction: *Provided*, The General Assembly may confer civil jurisdiction on Police Courts in cities and towns of the fourth and fifth classes and in towns of the sixth class having a population of two hundred and fifty or more, which jurisdiction shall be uniform throughout the State, and not exceed that of Justices of the Peace.

FISCAL COURTS.

SEC. 144. Counties shall have a Fiscal Court, which may consist of the Judge of the County Court and the Justices of the Peace, in which court the Judge of the County Court shall preside, if present; or a county may have three Commissioners, to be elected from the county at large, who, together with the Judge of the County Court, shall consti-

tute the Fiscal Court. A majority of the members of said Court shall constitute a court for the transaction of business. But where, for county governmental purposes, a city is by law separated from the remainder of the county, such Commissioners may be elected from the part of the county outside of such city.

SUFFRAGE AND ELECTIONS.

SEC. 145. Every male citizen of the United States of the age of twenty-one years, who has resided in the State one year, and in the county six months, and in the precinct in which he offers to vote sixty days, next preceding the election, shall be a voter in said precinct and not elsewhere; but the following persons are excepted and shall not have the right to vote:

First: Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage; but persons hereby excluded may be restored to their civil rights by executive pardon.

Second: Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

Third: Idiots and insane persons.

SEC. 146. No person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed within the same.

SEC. 147. The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more, and may provide by general law for the registration of other voters in the State. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity the voting shall be *viva voce* and made a matter of record; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited. The word "Elections" in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The first General Assembly held after the adoption of this Constitution shall pass all necessary laws to enforce this provision, and shall provide that persons illiterate, blind, or in any way disabled may have their ballots marked as herein required.

SEC. 148. Not more than one election each year shall be held in this State or in any city, town, district, or county thereof, except as otherwise provided in this Constitution. All elections of State, county, city, town or district officers shall be held on the first Tuesday after the first Monday in November; but no officer of any city, town, or county, or of any subdivision thereof, except members of municipal legislative boards, shall be elected in the same year in which members of the House of Representatives of the United States are elected. District or State officers, including members of the General Assembly, may be elected in the same year in which members of the House of Representatives of the United States are elected. All elections by the people shall be between the hours of six o'clock A. M. and seven o'clock P. M., but

the General Assembly may change said hours, and all officers of any election shall be residents and voters in the precinct in which they act. The General Assembly shall provide by law that all employers shall allow employes, under reasonable regulations, at least four hours on election days in which to cast their votes.

SEC. 149. Voters, in all cases except treason, felony, breach or surety of the peace, or violation of the election laws, shall be privileged from arrest during their attendance at elections, and while they are going to and returning therefrom.

SEC. 150. Every person shall be disqualified from holding any office of trust or profit for the term for which he shall have been elected who shall be convicted of having given, or consented to the giving, offer or promise of any money or other thing of value, to procure his election, or to influence the vote of any voter at such election; and if any corporation shall, directly or indirectly, offer, promise or give, or shall authorize, directly or indirectly, any person to offer, promise or give any money or any thing of value to influence the result of any election in this State, or the vote of any voter authorized to vote therein, or who shall afterward reimburse or compensate, in any manner whatever, any person who shall have offered, promised or given any money or other thing of value to influence the result of any election or the vote of any such voter, such corporation, if organized under the laws of this Commonwealth, shall, on conviction thereof, forfeit its charter and all rights, privileges, and immunities thereunder; and if chartered by another State and doing business in this State, whether by license or upon mere sufferance, such corporation, upon conviction of either of the offenses aforesaid, shall forfeit all right to carry on any business in this State; and it shall be the duty of the General Assembly to provide for the enforcement of the provisions of this section. All persons shall be excluded from office who have been, or shall hereafter be, convicted of a felony, or of such high misdemeanor as may be prescribed by law, but such disability may be removed by pardon of the Governor. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

SEC. 151. The General Assembly shall provide suitable means for depriving of office any person who, to procure his nomination or election, has, in his canvass or election, been guilty of any unlawful use of money or other thing of value, or has been guilty of fraud, intimidation, bribery, or any other corrupt practice, and he shall be held responsible for acts done by others with his authority, or ratified by him.

SEC. 152. Except as otherwise provided in this Constitution, vacancies in all elective offices shall be filled by election or appointment, as follows: If the unexpired term will end at the next succeeding annual election at which either city, town, county, district, or State officers are to be elected, the office shall be filled by appointment for the remainder of the term. If the unexpired term will not end at the next succeeding annual election at which either city, town, county, district, or State officers are to be elected, and if three months intervene before said succeeding annual election at which either city, town, county, district, or State officers are to be elected, the office shall be filled by appointment until said election, and then said vacancy shall be filled by election for

the remainder of the term. If three months do not intervene between the happening of said vacancy and the next succeeding election at which city, town, county, district, or State officers are to be elected, the office shall be filled by appointment until the second succeeding annual election at which city, town, county, district, or State officers are to be elected; and then, if any part of the term remains unexpired, the office shall be filled by election until the regular time for the election of officers to fill said offices. Vacancies in all offices for the State at large, or for districts larger than a county, shall be filled by appointment of the Governor; all other appointments shall be made as may be prescribed by law. No person shall ever be appointed a member of the General Assembly, but vacancies therein may be filled at a special election, in such manner as may be provided by law.

SEC. 153. Except as otherwise herein expressly provided, the General Assembly shall have power to provide by general law for the manner of voting, for ascertaining the result of elections and making due returns thereof, for issuing certificates or commissions to all persons entitled thereto, and for the trial of contested elections.

SEC. 154. The General Assembly shall prescribe such laws as may be necessary for the restriction or prohibition of the sale or gift of spirituous, vinous, or malt liquors on election days.

SEC. 155. The provisions of sections one hundred and forty-five to one hundred and fifty-four, inclusive, shall not apply to the election of school trustees and other common school district elections. Said elections shall be regulated by the General Assembly, except as otherwise provided in this Constitution.

MUNICIPALITIES.

SEC. 156. The cities and towns of this Commonwealth, for the purposes of their organization and government, shall be divided into six classes. The organization and powers of each class shall be defined and provided for by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. To the first class shall belong cities with a population of one hundred thousand or more; to the second class, cities with a population of twenty thousand or more, and less than one hundred thousand; to the third class, cities with a population of eight thousand or more, and less than twenty thousand; to the fourth class, cities and towns with a population of three thousand or more, and less than eight thousand; to the fifth class, cities and towns with a population of one thousand or more, and less than three thousand; to the sixth class, towns with a population of less than one thousand. The General Assembly shall assign the cities and towns of the Commonwealth to the classes to which they respectively belong, and change assignments made as the population of said cities and towns may increase or decrease, and in the absence of other satisfactory information as to their population shall be governed by the last preceding Federal census in so doing; but no city or town shall be transferred from one class to another, except in pursuance of a law previously enacted and providing therefor. The General Assembly, by a general law, shall provide how towns may be organized, and enact laws for the government of such towns until the same are

assigned to one or the other of the classes above named; but such assignment shall be made at the first session of the General Assembly after the organization of said town or city.

SEC. 157. The tax rate of cities, towns, counties, taxing districts, and other municipalities, for other than school purposes, shall not at any time exceed the following rates upon the value of the taxable property therein, viz: For all towns or cities having a population of fifteen thousand or more, one dollar and fifty cents on the hundred dollars; for all towns or cities having less than fifteen thousand and not less than ten thousand, one dollar on the hundred dollars; for all towns or cities having less than ten thousand, seventy-five cents on the hundred dollars, and for counties and taxing districts, fifty cents on the hundred dollars, unless it should be necessary to enable such city, town, county or taxing district to pay the interest on, and provide a sinking fund for the extinction of, indebtedness contracted before the adoption of this Constitution. No county, city, town, taxing district, or other municipality shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding in any year the income and revenue provided for such year without the assent of two thirds of the voters thereof voting at an election to be held for that purpose, and any indebtedness contracted in violation of this section shall be void. Nor shall such contract be enforceable by the person with whom made, nor shall such municipality ever be authorized to assume the same.

SEC. 158. The respective cities, towns, counties, taxing districts, and municipalities shall not be authorized or permitted to incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding the following named maximum percentages on the value of the taxable property therein, to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness, viz: Cities of the first and second classes, and of the third class having a population exceeding fifteen thousand, ten per centum; cities of the third class having a population of less than fifteen thousand, and cities and towns of the fourth class, five per centum; cities and towns of the fifth and sixth classes, three per centum; and counties, taxing districts, and other municipalities, two per centum: *Provided*, Any city, town, county, taxing district or other municipality may contract an indebtedness in excess of such limitations when the same has been authorized under laws in force prior to the adoption of this Constitution, or when necessary for the completion of and payment for a public improvement undertaken and not completed and paid for at the time of the adoption of this Constitution: *And provided further*, If, at the time of the adoption of this Constitution, the aggregate indebtedness, bonded or floating, of any city, town, county, taxing district or other municipality, including that which it has been or may be authorized to contract as herein provided, shall exceed the limit herein prescribed, then no such city or town shall be authorized or permitted to increase its indebtedness in an amount exceeding two per centum, and no such county, taxing district or other municipality, in an amount exceeding one per centum, in the aggregate upon the value of the taxable property therein, to be ascertained as herein provided, until the aggregate of its indebtedness shall have been reduced below the limit herein fixed, and thereafter it shall not exceed the limit, unless in case of emergency the public health or

safety should so require. Nothing herein shall prevent the issue of renewal bonds, or bonds to fund the floating indebtedness of any city, town, county, taxing district or other municipality.

SEC. 159. Whenever any county, city, town, taxing district or other municipality is authorized to contract an indebtedness, it shall be required at the same time to provide for the collection of an annual tax sufficient to pay the interest on said indebtedness, and to create a sinking fund for the payment of the principal thereof, within not more than forty years from the time of contracting the same.

SEC. 160. The Mayor or Chief Executive, Police Judges, members of legislative boards or councils of towns and cities shall be elected by the qualified voters thereof: *Provided*, The Mayor or Chief Executive and Police Judges of the towns of the fourth, fifth, and sixth classes may be appointed or elected as provided by law. The terms of office of Mayors or Chief Executives and Police Judges shall be four years, and until their successors shall be qualified; and of members of legislative boards, two years. When any city of the first or second class is divided into wards or districts, members of legislative boards shall be elected at large by the qualified voters of said city, but so selected that an equal proportion thereof shall reside in each of the said wards or districts; but when in any city of the first, second or third class there are two legislative boards, the less numerous shall be selected from and elected by the voters at large of said city; but other officers of towns or cities shall be elected by the qualified voters therein, or appointed by the local authorities thereof, as the General Assembly may by a general law provide; but when elected by the voters of a town or city, their terms of office shall be four years, and until their successors shall be qualified. No Mayor or Chief Executive or fiscal officer of any city of the first or second class, after the expiration of the term of office to which he has been elected under this Constitution, shall be eligible for the succeeding term. "Fiscal officer" shall not include an Auditor or Assessor, or any other officer whose chief duty is not the collection or holding of public moneys. The General Assembly shall prescribe the qualifications of all officers of towns and cities, the manner in and causes for which they may be removed from office, and how vacancies in such offices may be filled.

SEC. 161. The compensation of any city, county, town or municipal officer shall not be changed after his election or appointment, or during his term of office, nor shall the term of any such officer be extended beyond the period for which he may have been elected or appointed.

SEC. 162. No county, city, town or other municipality shall ever be authorized or permitted to pay any claim created against it, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void.

SEC. 163. No street railway, gas, water, steam-heating, telephone or electric light company within a city or town shall be permitted or authorized to construct its tracks, lay its pipes or mains, or erect its poles, posts or other apparatus along, over, under or across the streets, alleys or public grounds of a city or town without the consent of the proper legislative bodies or boards of such city or town being first obtained; but when charters have been heretofore granted conferring such rights, and work has in good faith been begun thereunder, the provisions of this section shall not apply.

SEC. 164. No county, city, town, taxing district or other municipality shall be authorized or permitted to grant any franchise or privilege, or make any contract in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term of years, such municipality shall first, after due advertisement, receive bids therefor publicly, and award the same to the highest and best bidder; but it shall have the right to reject any or all bids. This section shall not apply to a trunk railway.

SEC. 165. No person shall at the same time be a State officer or a deputy officer, or member of the General Assembly, and an officer of any county, city, town, or other municipality, or an employe thereof; and no person shall at the same time fill two municipal offices, either in the same or different municipalities, except as may be otherwise provided in this Constitution; but a Notary Public or an officer of the Militia shall not be ineligible to hold any other office mentioned in this section.

SEC. 166. All acts of incorporation of cities and towns heretofore granted, and all amendments thereto, except as provided in section one hundred and sixty-seven, shall continue in force under this Constitution; and all city and police courts established in any city or town shall remain, with their present powers and jurisdictions, until such time as the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof; but not longer than four years from and after the first day of January, one thousand eight hundred and ninety-one, within which time the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof, as provided in this Constitution.

SEC. 167. All city and town officers in this State shall be elected or appointed as provided in the charter of each respective town and city until the general election in November, eighteen hundred and ninety-three, and until their successors shall be elected and qualified, at which time the terms of all such officers shall expire; and at that election, and thereafter as their terms of office may expire, all officers required to be elected in cities and towns by this Constitution, or by general laws enacted in conformity to its provisions, shall be elected at the general elections in November, but only in the odd years, except members of municipal legislative boards, who may be elected either in the even or odd years, or part in the even and part in the odd years: *Provided*, That the terms of office of Police Judges, who were elected for four years at the August election, eighteen hundred and ninety, shall expire August thirty-first, eighteen hundred and ninety-four, and the terms of Police Judges elected in November, eighteen hundred and ninety-three, shall begin September first, eighteen hundred and ninety-four, and continue until the November election, eighteen hundred and ninety-seven, and until their successors are elected and qualified.

SEC. 168. No municipal ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense. A conviction or acquittal under either shall constitute a bar to another prosecution for the same offense.

REVENUE AND TAXATION.

SEC. 169. The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law.

SEC. 170. There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one half acre of ground in towns and cities, and two acres of ground in the country appurtenant thereto; household goods and other personal property of a person with a family, not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made and in the hands of the producer, and all laws exempting or commuting property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation for a period not exceeding five years, as an inducement to their location.

SEC. 171. The General Assembly shall provide by law an annual tax, which, with other resources, shall be sufficient to defray the estimated expenses of the Commonwealth for each fiscal year. Taxes shall be levied and collected for public purposes only. They shall be uniform upon all property subject to taxation within the territorial limits of the authority levying the tax, and all taxes shall be levied and collected by general laws.

SEC. 172. All property not exempted from taxation by this Constitution shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale, and any officer or other person authorized to assess values for taxation who shall commit any willful error in the performance of his duty shall be deemed guilty of misfeasance, and upon conviction thereof shall forfeit his office and be otherwise punished as may be provided by law.

SEC. 173. The receiving, directly or indirectly, by any officer of the Commonwealth or of any county, city or town, or member or officer of the General Assembly, of any interest, profit or perquisites arising from the use or loan of public funds in his hands, or moneys to be raised through his agency for State, city, town, district or county purposes, shall be deemed a felony. Said offense shall be punished as may be prescribed by law, a part of which punishment shall be disqualification to hold office.

SEC. 174. All property, whether owned by natural persons or corporations, shall be taxed in proportion to its value, unless exempted by this Constitution, and all corporate property shall pay the same rate of taxation paid by individual property. Nothing in this Constitution

shall be construed to prevent the General Assembly from providing for taxation based on income, licenses or franchises.

SEC. 175. The power to tax property shall not be surrendered or suspended by any contract or grant to which the Commonwealth shall be a party.

SEC. 176. The Commonwealth shall not assume the debt of any county, municipal corporation or political subdivision of the State, unless such debt shall have been contracted to defend itself in time of war, to repel invasion or to suppress insurrection.

SEC. 177. The credit of the Commonwealth shall not be given, pledged or loaned to any individual, company, corporation or association, municipality, or political subdivision of the State, nor shall the Commonwealth become an owner or stockholder in nor make donation to any company, association or corporation, nor shall the Commonwealth construct a railroad or other highway.

SEC. 178. All laws authorizing the borrowing of money by and on behalf of the Commonwealth, county or other political subdivision of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for no other purpose.

SEC. 179. The General Assembly shall not authorize any county or subdivision thereof, city, town or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association or individual, except for the purpose of constructing or maintaining bridges, turnpike roads, or gravel roads: *Provided*, If any municipal corporation shall offer to the Commonwealth any property or money for locating or building a Capitol, and the Commonwealth accepts such offer, the corporation may comply with the offer.

SEC. 180. The General Assembly may authorize the counties, cities or towns to levy a poll-tax not exceeding one dollar and fifty cents per head. Every act enacted by the General Assembly, and every ordinance and resolution passed by any county, city, town or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.

SEC. 181. The General Assembly shall not impose taxes for the purposes of any county, city, town or other municipal corporation, but may, by general laws, confer on the proper authorities thereof respectively the power to assess and collect such taxes. The General Assembly may, by general laws only, provide for the payment of license fees on franchises, stock used for breeding purposes, the various trades, occupations and professions, or a special or excise tax; and may, by general laws, delegate the power to counties, towns, cities and other municipal corporations to impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations, and professions.

SEC. 182. Nothing in this Constitution shall be construed to prevent the General Assembly from providing by law how railroads and railroad property shall be assessed and how taxes thereon shall be collected. And until otherwise provided the present law on said subject shall remain in force.

EDUCATION.

SEC. 183. The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State.

SEC. 184. The bond of the Commonwealth issued in favor of the Board of Education for the sum of one million three hundred and twenty-seven thousand dollars shall constitute one bond of the Commonwealth in favor of the Board of Education, and this bond and the seventy-three thousand five hundred dollars of the stock in the Bank of Kentucky, held by the Board of Education, and its proceeds, shall be held inviolate for the purpose of sustaining the system of common schools. The interest and dividends of said fund, together with any sum which may be produced by taxation or otherwise for purposes of common school education, shall be appropriated to the common schools, and to no other purpose. No sum shall be raised or collected for education other than in common schools until the question of taxation is submitted to the legal voters, and the majority of the votes cast at said election shall be in favor of such taxation: *Provided*, The tax now imposed for educational purposes and for the endowment and maintenance of the Agricultural and Mechanical College shall remain until changed by law.

SEC. 185. The General Assembly shall make provision by law for the payment of the interest of said school fund, and may provide for the sale of the stock in the Bank of Kentucky; and in case of a sale of all or any part of said stock, the proceeds of sale shall be invested by the Sinking Fund Commissioners in other good interest-bearing stocks or bonds, which shall be subject to sale and reinvestment, from time to time, in like manner and with the same restrictions as provided with reference to the sale of the said stock in the Bank of Kentucky.

SEC. 186. Each county in the Commonwealth shall be entitled to its proportion of the school fund on its census of pupil children for each school year, and if the *pro rata* share of any school district be not called for after the second school year, it shall be covered into the treasury and be placed to the credit of the school fund for general apportionment the following school year. The surplus now due the several counties shall remain a perpetual obligation against the Commonwealth for the benefit of said respective counties, for which the Commonwealth shall execute its bond, bearing interest at the rate of six per centum per annum, payable annually to the counties respectively entitled to the same, and in the proportion to which they are entitled, to be used exclusively in aid of common schools.

SEC. 187. In distributing the school fund no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained.

SEC. 188. So much of any moneys as may be received by the Commonwealth from the United States under the recent act of Congress refunding the direct tax shall become a part of the school fund, and be held as provided in section one hundred and eighty-four; but the General Assembly may authorize the use by the Commonwealth of the moneys so received or any part thereof, in which event a bond shall be executed to the Board of Education for the amount so used, which bond

shall be held on the same terms and conditions, and subject to the provisions of section one hundred and eighty-four, concerning the bond therein referred to.

SEC. 189. No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to or used by or in aid of any church, sectarian or denominational school.

CORPORATIONS.

SEC. 190. No corporation in existence at the time of the adoption of this Constitution shall have the benefit of future legislation without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution.

SEC. 191. All existing charters or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place and business been commenced in good faith at the time of the adoption of this Constitution, shall thereafter be void and of no effect.

SEC. 192. No corporation shall engage in business other than that expressly authorized by its charter or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate, except such as may be proper and necessary for carrying on its legitimate business, for a longer period than five years, under penalty of escheat.

SEC. 193. No corporation shall issue stock or bonds except for an equivalent in money paid or labor done, or property actually received and applied to the purposes for which such corporation was created, and neither labor nor property shall be received in payment of stock or bonds at a greater value than the market price at the time said labor was done or property delivered, and all fictitious increase of stock or indebtedness shall be void.

SEC. 194. All corporations formed under the laws of this State, or carrying on business in this State, shall at all times have one or more known places of business in this State, and an authorized agent or agents there, upon whom process may be executed, and the General Assembly shall enact laws to carry into effect the provisions of this section.

SEC. 195. The Commonwealth, in the exercise of the right of eminent domain, shall have and retain the same powers to take the property and franchises of incorporated companies for public use which it has and retains to take the property of individuals, and the exercise of the police powers of this Commonwealth shall never be abridged nor so construed as to permit corporations to conduct their business in such manner as to infringe upon the equal rights of individuals.

SEC. 196. Transportation of freight and passengers by railroad, steamboat or other common carrier shall be so regulated by general law as to prevent unjust discrimination. No common carrier shall be permitted to contract for relief from its common law liability.

SEC. 197. No railroad, steamboat or other common carrier, under heavy penalty to be fixed by the General Assembly, shall give a free pass or passes, or shall, at reduced rates not common to the public, sell tickets for transportation to any State, district, city, town or county officer, or member of the General Assembly, or Judge; and any State,

district, city, town or county officer, or member of the General Assembly, or Judge, who shall accept or use a free pass or passes, or shall receive or use tickets or transportation at reduced rates not common to the public, shall forfeit his office. It shall be the duty of the General Assembly to enact laws to enforce the provisions of this section.

SEC. 198. It shall be the duty of the General Assembly from time to time, as necessity may require, to enact such laws as may be necessary to prevent all trusts, pools, combinations or other organizations from combining to depreciate below its real value any article, or to enhance the cost of any article above its real value.

SEC. 199. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and said companies shall receive and transmit each other's messages without unreasonable delay or discrimination, and all such companies are hereby declared to be common carriers and subject to legislative control. Telephone companies operating exchanges in different towns or cities, or other public stations, shall receive and transmit each other's messages without unreasonable delay or discrimination. The General Assembly shall, by general laws of uniform operation, provide reasonable regulations to give full effect to this section. Nothing herein shall be construed to interfere with the rights of cities or towns to arrange and control their streets and alleys, and to designate the places at which and the manner in which the wires of such companies shall be erected or laid within the limits of such city or town.

SEC. 200. If any railroad, telegraph, express or other corporation, organized under the laws of this Commonwealth, shall consolidate by sale or otherwise with any railroad, telegraph, express or other corporation organized under the laws of any other State, the same shall not thereby become a foreign corporation, but the courts of this Commonwealth shall retain jurisdiction over that part of the corporate property within the limits of this State in all matters which may arise, as if said consolidation had not taken place.

SEC. 201. No railroad, telegraph, telephone, bridge or common carrier company shall consolidate its capital stock, franchises or property, or pool its earnings, in whole or in part, with any other railroad, telegraph, telephone, bridge or common carrier company owning a parallel or competing line or structure, or acquire by purchase, lease or otherwise any parallel or competing line or structure, or operate the same; nor shall any railroad company or other common carrier combine or make any contract with the owners of any vessel that leaves or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

SEC. 202. No corporation organized outside the limits of this State shall be allowed to transact business within the State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this Commonwealth.

SEC. 203. No corporation shall lease or alienate any franchise so as to relieve the franchise or property held thereunder from the liabilities

of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise, or any of its privileges.

SEC. 204. Any president, director, manager, cashier or other officer of any banking institution or association for the deposit or loan of money, or any individual banker, who shall receive or assent to the receiving of deposits after he shall have knowledge of the fact that such banking institution or association or individual banker is insolvent, shall be individually responsible for such deposits so received, and shall be guilty of felony and subject to such punishment as shall be prescribed by law.

SEC. 205. The General Assembly shall by general laws provide for the revocation or forfeiture of the charters of all corporations guilty of abuse or misuse of their corporate powers, privileges or franchises, or whenever said corporations become detrimental to the interest and welfare of the Commonwealth or its citizens.

SEC. 206. All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses, subject to legislative control, and the General Assembly shall enact laws for the inspection of grain, tobacco and other produce, and for the protection of producers, shippers and receivers of grain, tobacco, and other produce.

SEC. 207. In all elections for directors or managers of any corporation each shareholder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote in said company under its charter, multiplied by the number of directors or managers to be elected at such election, and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more candidates, and such directors or managers shall not be elected in any other manner.

SEC. 208. The word corporation as used in this Constitution shall embrace joint stock companies and associations.

RAILROADS AND COMMERCE.

SEC. 209. A commission is hereby established, to be known as "The Railroad Commission," which shall be composed of three Commissioners. During the session of the General Assembly which convenes in December, eighteen hundred and ninety-one, and before the first day of June, eighteen hundred and ninety-two, the Governor shall appoint, by and with the advice and consent of the Senate, said three Commissioners, one from each Superior Court district as now established, and said appointees shall take their office at the expiration of the terms of the present incumbents. The Commissioners so appointed shall continue in office during the term of the present Governor, and until their successors are elected and qualified. At the regular election in eighteen hundred and ninety-five and every four years thereafter, the Commissioners shall be elected, one in each Superior Court district, by the qualified voters thereof, at the same time and for the same term as the Governor. No person shall be eligible to said office unless he be at the time of his election at least thirty years of age, a citizen of Kentucky two years, and a resident of the district from which he is chosen one year next preceding his election. Any vacancy in this office shall be filled

as provided in section one hundred and fifty-two of this Constitution. The General Assembly may from time to time change said districts so as to equalize the population thereof, and may, if deemed expedient, require that the Commissioners be all elected by the qualified voters of the State at large. And, if so required, one Commissioner shall be from each district. No person in the service of any railroad or common carrier company or corporation, or of any firm or association conducting business as a common carrier, or in anywise pecuniarily interested in such company, corporation, firm or association, or in the railroad business, or as a common carrier, shall hold such office. The powers and duties of the Railroad Commissioners shall be regulated by law, and until otherwise provided by law the Commission so created shall have the same powers and jurisdiction, perform the same duties, be subject to the same regulations, and receive the same compensation as now conferred, prescribed and allowed by law to the existing Railroad Commissioners. The General Assembly may, for cause, address any of said Commissioners out of office by similar proceedings as in the case of Judges of the Court of Appeals, and the General Assembly shall enact laws to prevent the nonfeasance and misfeasance in office of said Commissioners, and to impose proper penalties therefor.

SEC. 210. No corporation engaged in the business of common carrier shall, directly or indirectly, own, manage, operate, or engage in any other business than that of a common carrier, or hold, own, lease or acquire, directly or indirectly, mines, factories or timber, except such as shall be necessary to carry on its business, and the General Assembly shall enact laws to give effect to the provisions of this section.

SEC. 211. No railroad corporation organized under the laws of any other State, or of the United States, and doing business, or proposing to do business, in this State, shall be entitled to the benefit of the right of eminent domain or have power to acquire the right of way or real estate for depot or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this Commonwealth.

SEC. 212. The rolling stock and other movable property belonging to any railroad corporation or company in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals. The earnings of any railroad company or corporation, and choses in action, money and personal property of all kinds belonging to it, in the hands or under the control of any officer, agent or employe of such corporation or company, shall be subject to process of attachment to the same extent and in the same manner as like property of individuals when in the hands or under the control of other persons. Any such earnings, choses in action, money or other personal property may be subjected to the payment of any judgment against such corporation or company, in the same manner and to the same extent as such property of individuals in the hands of third persons.

SEC. 213. All railroad, transfer, belt lines and railway bridge companies, organized under the laws of Kentucky, or operating, maintaining or controlling any railroad, transfer, belt lines or bridges, or doing a railway business in this State, shall receive, transfer, deliver, and switch empty or loaded cars, and shall move, transport, receive, load or unload all the freight in car loads or less quantities, coming to or going from

any railroad, transfer, belt line, bridge or siding thereon, with equal promptness and dispatch, and without any discrimination as to charges, preference, drawback or rebate in favor of any person, corporation, consignee or consignor, in any matter as to payment, transportation, handling or delivery; and shall so receive, deliver, transfer and transport all freight as above set forth, from and to any point where there is a physical connection between the tracks of said companies. But this section shall not be construed as requiring any such common carrier to allow the use of its tracks for the trains of another engaged in like business.

SEC. 214. No railway, transfer, belt line or railway bridge company shall make any exclusive or preferential contract or arrangement with any individual, association or corporation for the receipt, transfer, delivery, transportation, handling, care or custody of any freight, or for the conduct of any business as a common carrier.

SEC. 215. All railway, transfer, belt lines or railway bridge companies shall receive, load, unload, transport, haul, deliver and handle freight of the same class for all persons, associations or corporations from and to the same points and upon the same conditions, in the same manner and for the same charges and for the same method of payment.

SEC. 216. All railway, transfer, belt lines and railway bridge companies shall allow the tracks of each other to unite, intersect and cross at any point where such union, intersection and crossing is reasonable or feasible.

SEC. 217. Any person, association or corporation willfully or knowingly violating any of the provisions of sections two hundred and thirteen, two hundred and fourteen, two hundred and fifteen or two hundred and sixteen shall, upon conviction by a court of competent jurisdiction, for the first offense be fined two thousand dollars; for the second offense, five thousand dollars, and for the third offense shall thereupon, *ipso facto*, forfeit its franchises, privileges or charter rights; and if such delinquent be a foreign corporation, it shall, *ipso facto*, forfeit its right to do business in this State, and the Attorney-General of the Commonwealth shall forthwith, upon notice of the violation of any of said provisions, institute proceedings to enforce the provisions of the aforesaid sections.

SEC. 218. It shall be unlawful for any person or corporation owning or operating a railroad in this State, or any common carrier, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of property of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, or person or corporation, owning or operating a railroad in this State, to receive as great compensation for a shorter as for a longer distance: *Provided*, That upon application to the Railroad Commission, such common carrier or person or corporation owning or operating a railroad in this State may, in special cases, after investigation by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property, and the Commission may from time to time prescribe the extent to which such common carrier, or person or corporation, owning or operating a railroad in this State, may be relieved from the operations of this section.

THE MILITIA.

SEC. 219. The militia of the Commonwealth of Kentucky shall consist of all able-bodied male residents of the State between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the State or of the United States.

SEC. 220. The General Assembly shall provide for maintaining an organized militia, and may exempt from military service persons having conscientious scruples against bearing arms, but such persons shall pay an equivalent for such exemption.

SEC. 221. The organization, equipment and discipline of the militia shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

SEC. 222. All militia officers whose appointment is not herein otherwise provided for shall be elected by persons subject to military duty within their respective companies, battalions, regiments or other commands, under such rules and regulations and for such terms, not exceeding four years, as the General Assembly may from time to time direct and establish. The Governor shall appoint an Adjutant-General and his other staff officers; the generals and commandants of regiments and battalions shall respectively appoint their staff officers, and the commandants of companies shall, subject to the approval of their regimental or battalion commanders, appoint their non-commissioned officers. The Governor shall have power to fill vacancies that may occur in elective offices by granting commissions, which shall expire when such vacancies have been filled according to the provisions of this Constitution.

SEC. 223. The General Assembly shall provide for the safe-keeping of the public arms, military records, relics and banners of the Commonwealth of Kentucky.

GENERAL PROVISIONS.

SEC. 224. The General Assembly shall provide by a general law what officers shall execute bond for the faithful discharge of their duties, and fix the liability therein.

SEC. 225. No armed person or bodies of men shall be brought into this State for the preservation of the peace or the suppression of domestic violence, except upon the application of the General Assembly or of the Governor when the General Assembly may not be in session.

SEC. 226. Lotteries and gift enterprises are forbidden, and no privileges shall be granted for such purposes, and none shall be exercised, and no schemes for similar purposes shall be allowed. The General Assembly shall enforce this section by proper penalties. All lottery privileges or charters heretofore granted are revoked.

SEC. 227. Judges of the County Court, Justices of the Peace, Sheriffs, Coroners, Surveyors, Jailers, Assessors, County Attorneys, and Constables shall be subject to indictment or prosecution for misfeasance or malfeasance in office, or willful neglect in discharge of official duties, in such mode as may be prescribed by law; and upon conviction his office shall become vacant, but such officer shall have the right of appeal to the Court of Appeals.

SEC. 228. Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of ——— according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

SEC. 229. Treason against the Commonwealth shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 230. No money shall be drawn from the State Treasury except in pursuance of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

SEC. 231. The General Assembly may by law direct in what manner and in what courts suits may be brought against the Commonwealth.

SEC. 232. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the General Assembly the most solemn appeal to God.

SEC. 233. All laws which on the first day of June, one thousand seven hundred and ninety-two, were in force in the State of Virginia, and which are of a general nature and not local to that State, and not repugnant to this Constitution, nor to the laws which have been enacted by the General Assembly of this Commonwealth, shall be in force within this State until they shall be altered or repealed by the General Assembly.

SEC. 234. All civil officers for the State at large shall reside within the State, and all district, county, city or town officers shall reside within their respective districts, counties, cities or towns, and shall keep their offices at such places therein as may be required by law.

SEC. 235. The salaries of public officers shall not be changed during the terms for which they were elected, but it shall be the duty of the General Assembly to regulate, by a general law, in what cases and what deductions shall be made for neglect of official duties. This section shall apply to members of the General Assembly also.

SEC. 236. The General Assembly shall by law prescribe the time when the several officers authorized or directed by this Constitution to be elected or appointed shall enter upon the duties of their respective offices, except where the time is fixed by this Constitution.

SEC. 237. No member of Congress or person holding or exercising an office of trust or profit under the United States, or any of them, or under any foreign power, shall be eligible to hold or exercise any office

of trust or profit under this Constitution or the laws made in pursuance thereof.

SEC. 238. The General Assembly shall direct by law how persons who now are or may hereafter become sureties for public officers may be relieved of or discharged from suretyship.

SEC. 239. Any person who shall, after the adoption of this Constitution, either directly or indirectly give, accept or knowingly carry a challenge to any person or persons to fight in single combat with a citizen of this State, with a deadly weapon, either in or out of the State, shall be deprived of the right to hold any office of honor or profit in this Commonwealth; and if said acts or any of them be committed within this State, the person or persons so committing them shall be further punished in such manner as the General Assembly may prescribe by law.

SEC. 240. The Governor shall have power, after five years from the time of the offense, to pardon any person who shall have participated in a duel as principal, second or otherwise, and to restore him to all the rights, privileges and immunities to which he was entitled before such participation. Upon presentation of such pardon the oath prescribed in section two hundred and twenty-eight shall be varied to suit the case.

SEC. 241. Whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then in every such case damages may be recovered for such death from the corporations and persons so causing the same. Until otherwise provided by law, the action to recover such damages shall in all cases be prosecuted by the personal representative of the deceased person. The General Assembly may provide how the recovery shall go and to whom belong, and until such provision is made the same shall form part of the personal estate of the deceased person.

SEC. 242. Municipal and other corporations, and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured or destroyed by them, which compensation shall be paid before such taking, or paid or secured, at the election of such corporation or individual, before such injury or destruction. The General Assembly shall not deprive any person of an appeal from any preliminary assessment of damages against any such corporation or individual made by Commissioners or otherwise; and upon appeal from such preliminary assessment the amount of such damages shall in all cases be determined by a jury, according to the course of the common law.

SEC. 243. The General Assembly shall by law fix the minimum ages at which children may be employed in places dangerous to life or health, or injurious to morals, and shall provide adequate penalties for violations of such law.

SEC. 244. All wage-earners in this State employed in factories, mines, workshops, or by corporations, shall be paid for their labor in lawful money. The General Assembly shall prescribe adequate penalties for violations of this section.

SEC. 245. Upon the promulgation of this Constitution the Governor shall appoint three persons learned in the law, who shall be Commissioners, to revise the statute laws of this Commonwealth and prepare

amendments thereto, to the end that the statute laws shall conform to and effectuate this Constitution. Such revision and amendments shall be laid before the next General Assembly for adoption or rejection in whole or in part. The said Commissioners shall be allowed ten dollars each per day for their services, and also necessary stationery, for the time during which they are actually employed; and upon their certificate the Auditor shall draw his warrant upon the Treasurer. They shall have the power to employ clerical assistants, at a compensation not exceeding ten dollars per day in the aggregate. If the Commissioners, or any of them, shall refuse to act, or a vacancy shall occur, the Governor shall appoint another or others in his or their place.

SEC. 246. No public officer, except the Governor, shall receive more than five thousand dollars per annum, as compensation for official services, independent of the compensation of legally authorized deputies and assistants, which shall be fixed and provided for by law. The General Assembly shall provide for the enforcement of this section by suitable penalties, one of which shall be forfeiture of office by any person violating its provisions.

SEC. 247. The printing and binding of the laws, journals, department reports, and all other public printing and binding, shall be performed under contract, to be given to the lowest responsible bidder below such maximum, and under such regulations as may be prescribed by law. No member of the General Assembly, or officer of the Commonwealth, shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the Governor.

SEC. 248. A grand jury shall consist of twelve persons, nine of whom concurring may find an indictment. In civil and misdemeanor cases, in courts inferior to the Circuit Courts, a jury shall consist of six persons. The General Assembly may provide that in any or all trials of civil actions in the Circuit Courts, three fourths or more of the jurors concurring may return a verdict, which shall have the same force and effect as if rendered by the entire panel. But where a verdict is rendered by a less number than the whole jury, it shall be signed by all the jurors who agree to it.

SEC. 249. The House of Representatives of the General Assembly shall not elect, appoint, employ, or pay for, exceeding one Chief Clerk, one Assistant Clerk, one Enrolling Clerk, one Sergeant-at-Arms, one Door-keeper, one Janitor, two Cloak-room Keepers, and four Pages; and the Senate shall not elect, appoint, employ or pay for, exceeding one Chief Clerk, one Assistant Clerk, one Enrolling Clerk, one Sergeant-at-Arms, one Door-keeper, one Janitor, one Cloak-room Keeper, and three Pages; and the General Assembly shall provide, by general law, for fixing the *per diem* or salary of all of said employes.

SEC. 250. It shall be the duty of the General Assembly to enact such laws as shall be necessary and proper to decide differences by arbitrators, the arbitrators to be appointed by the parties who may choose that summary mode of adjustment.

SEC. 251. No action shall be maintained for possession of any lands lying within this State, where it is necessary for the claimant to rely for his recovery on any grant or patent issued by the Commonwealth of Virginia, or by the Commonwealth of Kentucky prior to the year one

thousand eight hundred and twenty, against any person claiming such lands by possession to a well-defined boundary, under a title of record, unless such action shall be instituted within five years after this Constitution shall go into effect, or within five years after the occupant may take possession; but nothing herein shall be construed to affect any right, title, or interest in lands acquired by virtue of adverse possession under the laws of this Commonwealth.

SEC. 252. It shall be the duty of the General Assembly to provide by law, as soon as practicable, for the establishment and maintenance of an institution or institutions for the detention, correction, instruction, and reformation of all persons, under the age of eighteen years, convicted of such felonies and such misdemeanors as may be designated by law. Said institution shall be known as the "House of Reform."

SEC. 253. Persons convicted of felony and sentenced to confinement in the penitentiary shall be confined at labor within the walls of the penitentiary; and the General Assembly shall not have the power to authorize employment of convicts elsewhere, except upon the public works of the Commonwealth of Kentucky, or when, during pestilence or in case of the destruction of the prison buildings, they can not be confined in the penitentiary.

SEC. 254. The Commonwealth shall maintain control of the discipline, and provide for all supplies, and for the sanitary condition of the convicts, and the labor only of convicts may be leased.

SEC. 255. The seat of government shall continue in the city of Frankfort, unless removed by a vote of two thirds of each House of the first General Assembly which convenes after the adoption of this Constitution.

MODE OF REVISION.

SEC. 256. Amendments to this Constitution may be proposed in either House of the General Assembly at a regular session; and if such amendment or amendments shall be agreed to by three fifths of all the members elected to each House, such proposed amendment or amendments, with the yeas and nays of the members of each House taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the State for their ratification or rejection at the next general election for members of the House of Representatives, the vote to be taken thereon in such manner as the General Assembly may provide, and to be certified by the officers of election to the Secretary of State in such manner as shall be provided by law, which vote shall be compared and certified by the same board authorized by law to compare the polls and give certificates of election to officers for the State at large. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth, and shall be proclaimed by the Governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more than two amendments shall be voted upon at any one time. Nor shall the same amend-

ment be again submitted within five years after a submission. Said amendments shall be so submitted as to allow a separate vote on each, and no amendment shall relate to more than one subject. But no amendment shall be proposed by the first General Assembly which convenes after the adoption of this Constitution. The approval of the Governor shall not be necessary to any bill, order, resolution or vote of the General Assembly proposing an amendment or amendments to this Constitution.

SEC. 257. Before an amendment shall be submitted to a vote the Secretary of State shall cause such proposed amendment and the time that the same is to be voted upon to be published at least ninety days before the vote is to be taken thereon, in such manner as may be prescribed by law.

SEC. 258. When a majority of all the members elected to each House of the General Assembly shall concur, by a yea and nay vote, to be entered upon their respective journals, in enacting a law to take the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending this Constitution, and such amendments as may have been made to the same, such law shall be spread upon their respective journals. If the next General Assembly shall, in like manner, concur in such law, it shall provide for having a poll opened in each voting precinct in this State by the officers provided by law for holding general elections at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and places the votes of the qualified voters shall be taken for and against calling the convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition was for calling a convention, and if the total number of votes cast for the calling of the convention is equal to one fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to readopt, revise or amend this Constitution, and such amendments as may have been made thereto.

SEC. 259. The convention shall consist of as many delegates as there are members of the House of Representatives; and the delegates shall have the same qualifications and be elected from the same districts as said Representatives.

SEC. 260. Delegates to such convention shall be elected at the next general State election after the passage of the act calling the convention, which does not occur within less than ninety days; and they shall meet within ninety days after their election at the Capital of the State, and continue in session until their work is completed.

SEC. 261. The General Assembly, in the act calling the convention, shall provide for comparing the polls and giving certificates of election to the delegates elected, and provide for their compensation.

SEC. 262. The convention, when assembled, shall be the judge of the election and qualification of its members, and shall determine contested elections. But the General Assembly shall, in the act calling the convention, provide for taking testimony in such cases, and for issuing a writ of election in case of a tie.

SEC. 263. Before a vote is taken upon the question of calling a convention, the Secretary of State shall cause notice of the election to be published in such manner as may be provided by the act directing said vote to be taken.

QUESTIONS ON THE CONSTITUTION OF KENTUCKY.

State the preamble to the Constitution. Why was the Bill of Rights established? How are the powers of the Government divided? How shall these powers be exercised? In what is the Legislative power vested? For how long and when shall Representatives be chosen? What are the qualifications of a Representative? Of a Senator? How is representation regulated? What is the number of Representatives? Of Senators? What is a quorum of the General Assembly? What are the powers of each House? What is the compensation of the members? What of the privileges of the members? How may a bill be passed? What of bills for raising the revenue? What of contracting debts? What local and special legislation is prohibited? What of Counties and County Seats? What of Impeachments? Who may be Governor? What are his powers? Who may be Lieutenant-Governor? What of his powers? How may the Governor approve a bill? How may it be vetoed? What of the Treasurer? Auditor of Public Accounts? Register of the Land Office? Attorney-General? Secretary of State? Superintendent of Public Instruction? What of the Commonwealth's Attorney? Clerk of the Circuit Court? Judge of the County Court? County Court Clerk? County Attorney? Sheriff? Jailer? Coroner? Surveyor? Assessor? Constable? Justice of the Peace? What of the eligibility of these officers? What of their fees? What of the Judicial Department? What of the Court of Appeals? How many Judges of that Court? Who eligible? How elected? What of the Clerk of the Court of Appeals? Who eligible? What of Circuit Courts? What of the Judges of the Circuit Courts? Who eligible? What of Quarterly Courts? County Courts? Justices Courts? Police Courts? Fiscal Courts? What of suffrage and elections? Who may be a voter? Who may not vote? How many elections may be held in one year? When? Who shall be disqualified from holding any office? How may vacancies in office be filled? What of municipalities? Who may not be a member of the General Assembly? What of Revenue and Taxation? What property shall be exempt from taxation? What of Education? What of Corporations? Railroads? The Militia? What of the General Provisions of this Constitution? Mode of Revision? What of the Schedule?

CONSTITUTION OF THE UNITED STATES.

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Section 1.

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand; but each State shall have at least one Representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland,

six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Section 3.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief-Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

Section 4.

1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make

or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secresy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to or returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Section 7.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representa-

tives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objection at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, except on a question of adjournment, shall be presented to the President of the United States, and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8.

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post-offices and post-roads.

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15 To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may, by cession of particular States and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Section 9.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign State.

Section 10.

1. No State shall enter into any treaty, alliance, or confederation, grant letters of marque and reprisal, coin money, emit bills of credit, make any thing but gold and silver coin a tender in payment of debts, pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of the Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

Section 1.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves; and they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But, in choosing the President, the vote shall be taken by

States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But, if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.*]

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Section 2.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators

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*Altered—see amendment, Article XII.

present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3.

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

Section 4.

1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Section 1.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and Inferior Courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section 2.

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controver-

sies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regutions as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may, by law, have directed.

Section 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.

Section 1.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Section 4.

1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the Executive, when the Legislature can not be convened, against domestic violence.

ARTICLE V.

1. The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted and engagements entered into before the adoption this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the

members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

AMENDMENTS TO THE CONSTITUTION.

NOTE.—The following Amendments were proposed at the first session of the First Congress of the United States, which was begun and held at the City of New York on the 4th of March, 1789, and were adopted by the requisite number of States.—*First volume of the Laws of the United States, page 72.*

ARTICLE I.

1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

ARTICLE II.

1. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

1. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor, in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

1. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ARTICLE V.

1. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same offense, to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case

to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation.

ARTICLE VI.

1. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

1. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.

1. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

1. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

1. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

NOTE. —The following Amendment was proposed at the second session of the Third Congress. It is printed in the Laws of the United States, 1 vol., p. 73, as Article XI.

ARTICLE XI.

1. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

NOTE.—The three following sections were proposed as Amendments at the first session of the Eighth Congress. They are printed in the Laws of the United States as Article XII.

ARTICLE XII.

1. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in

distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the Seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But, when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce this article by appropriate legislation.

NOTE.—The first ten of the foregoing Amendments were proposed at the first session of the First Congress held under the Constitution; the eleventh Amendment was proposed at the second session of the Third Congress, the twelfth at the first session of the Eighth Congress, the thirteenth at the second session of the Thirty-eighth Congress, the fourteenth at the first session of the Thirty-ninth Congress, and the fifteenth at the third session of the Fortieth Congress, and were all adopted by the number of States required by the Fifth Article of the original Constitution. The thirteenth Amendment was adopted December 18, 1865; the fourteenth, July 20, 1868, and the fifteenth, March 30, 1870.

QUESTIONS ON THE CONSTITUTION OF THE UNITED STATES.

How are all legislative powers vested? How are Representatives chosen? What are the qualifications of a Representative? What are the powers of the House of Representatives? How many Senators from each State; how chosen; for how long? Into how many classes are they divided? What are the qualifications of a Senator; what of the Vice-President? What are the powers of the Senate? How often and when shall Congress assemble? What is the compensation of Senators; of Representatives? Where shall bills for raising revenue originate? What of the veto power? When shall a bill become a law? What are the powers of Congress generally? How is the President elected; for how long shall he serve; what are his powers? What of the judicial power of the United States? What of the rights of citizens? What of the Territories? How may the Constitution be amended? Give the substance of each amendment.

INDEX.

PAGE

Ambassadors, Public Ministers to other countries.....53
Appeals.....21
Arson.....61
Burglary.....61
Cabinet of the President of the United States.....52
Charitable Institutions.....45
Asylum, Lunatic.....45
Blind, Kentucky Institution for the.....45
Deaf and Dumb.....45
Feeble Minded Institute.....45
Poor-house.....45
Cities, Governments of.....44
Collectors of Customs.....59
Collectors of Internal Revenue.59
Congress.....57
Constable.....11
Constitution of Kentucky.....32
Bill of Rights.....34
General Provisions.....32
How made.....36
Mode of revising.....35
Powers.....32
Consuls.....53
Counterfeiting.....64
County, A.....7
County Courts.....18
Circuit Courts.....18
Circuit Judge.....19
Criminal Courts.....19
Fiscal Courts.....18
Justices' Courts.....18
Quarterly Courts.....18
County Districts.....8
County Officers.....12
Assessor.....14
Clerk of Circuit Court.....16
Commonwealth's Attorney..19
Coroner.....15
County Attorney.....13

PAGE

County Officers, continued—
County Superintendent.....16
County Surveyor.....15
Clerk of the County Court...12
Jailer.....17
Judge of the County Court..12
Sheriff.....13
Supervisors, Board of.....15
Court of Appeals.....20
Chief Justices.....20
Clerk of.....20
Judge of.....20
Reporter of.....20
Sergeant of.....21
Crimes against the United States 63
Counterfeiting.....64
Treason.....63
Violating Internal Revenue Laws.....64
Violating Pension Laws.....63
Violating Postal Laws.....63
Crimes and Punishments.....60
Embezzlement.....63
Exemptions from Taxation....42
Federal Courts.....47
Circuit Courts.....48
Circuit Judge.....48
Commissioners' Courts, U. S..50
Court of Claims.....47
District Courts.....48
District Judge.....48
Officers of District and Circuit Courts—District Attorney, Marshal, and Clerk....49, 50
Supreme Court.....47
Felonies.....60
Fiscal Courts.....11
Forgery.....61
Government—
Aristocracy.....6
Civil Government generally..5
Democracy.....6

PAGE
Government, continued—
Forms of 6
Monarchy 6
Republic 6
Grand Larceny 61
House of Representatives 22
House of Representatives, U. S. 58
Indictments by Grand Jury 38
Interior Department 55
Bureau of Education 55
Census Office 55
Land Office 55
Patent Office 55
Pension Office 55
Internal Revenue 59
Judgments 40
Juries, Mode of selecting 39
Jury, Grand 37
Jury, Petit — who competent, who exempt, etc 38
Jury, Trial by 40
Justices of the Peace 10
Legislature, State 22
Qualifications of members ... 22
Rules, Officers 23
Magisterial Districts 10
Maiming 63
Misdemeanors 63
Modes of Punishment 64
Navy Department 55
Officers of the State 25
Adjutant-General 30
Attorney-General 29
Auditor 28
Board of Equalization 31
Commissioner of Agriculture. 30
Commissioner of Insurance .. 30
Commissioner of Mines 30
Geologist, State 30
Governor—who eligible 25
Powers and duties of 25
Inspector and Examiner, State 31
Librarian, State 30
Lieutenant-Governor 26
Railroad Commissioners 31
Register of Land Office 29
Salaries, State Officers 31
Superintendent of Public Instruction 29
Secretary of State 27
Treasurer, State 28

PAGE
Officers of the State, continued—
Vacancies, State Officers 31
Perjury 61
Political Parties 65
Candidates 65
Caucuses 65
Conventions 65
Nominations 65
Primary Elections 65
Post-office Department 55
President of the United States. 51
President of the U. S. Senate ... 57
Representatives in Congress ... 58
Revenue and Taxation 42
Revenue, United States 59
Road Districts 8
School Districts 9
School Fund 9
School Trustee, making false report 62
Senate, United States 57
Senators 57
Sources of Revenue 42
State, A 7
State Department 53
State Senate 22
Subornation of Perjury 61
Tariff 59
Treason, Manslaughter, Robbery 60
Treasury Department, Duties of Officers of 53
Engraving and Printing, Bureau of 54
Mint, Bureau of 54
Supervising Architect 54
Trial by Jury 40
Trustees, School 9
United States 7
Composition of 7
Constitution of 7
Vice-President United States. 51
War Department 54
Adjutant-General 54
Chief of Ordnance 54
Chief Signal Officer 54
Coast Survey 54
Commissary-General 54
Quartermaster-General 54
Judge-Advocate General 54
Paymaster-General 54

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